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A C T S
AND
R E S O L V E S

PASSED BY THE
General Court of Massachusetts,
IN THE YEAR
1 8 7 6,

TOGETHER WITH
THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
Etc., Etc., Etc.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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1876.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

Legislature empowered to compel provision for public worship ;

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and mainte-

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete *portions* of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

nance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, &c.

All denominations equally protected. Subordination of one sect to another prohibited.

Right of self-government secured.

Accountability of all officers, &c.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

Objects of government; right of people to institute and change it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury, in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure : and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury ; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State : it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature ; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives : and they have a right to require of their lawgivers and magistrates, an exact and constant ob-

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

servance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that

law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

See amend-
ments, Art. X.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary ; and shall dissolve and be dissolved on the day next preceeding the said last Wednesday in May ; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal ; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve ; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law : but in all such cases, the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

See amend-
ments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court
may constitute
judicatories,
courts of record,
&c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same ; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed ; and for the awarding and making out of execution thereupon : to which courts and judicatories are hereby given and granted full

Courts, &c., may
administer
oaths.

power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

General court
may enact laws,
&c.,

not repugnant to
the constitution;

may provide for
the election or
appointment of
officers;

prescribe their
duties;

impose taxes;

duties and ex-
cises;

to be disposed
of for defence,
protection, &c.

Valuation of es-
tates once in ten
years, at least,
while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

Counties to be districts, until, &c. See amendments, Arts. XIII. and XXIII.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.]

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz. :—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes county and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "Inhabitant" defined.

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Selectmen to
preside at town
meetings.

Return of votes.

See amend-
ments, Art. II.

Amendments,
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of
unincorporated
plantations, who
pay State taxes,
may vote.

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be
final judge of
elections, &c.,
of its own mem-
bers.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

See amend-
ments, Arts.
X., XIV. and
XXIV.

Vacancies, how
filled.

Qualifications of
a senator.
See amend-
ments, Arts.
XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to ad-
journ more than
two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings. Shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land. Shall try all impeachments.
Oath.
Limitation of sentence.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business. Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives ; every corporate town, containing six hundred ratable polls, may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Representatives, by whom chosen.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.] See amendments, Arts. XII., XIII. and XXI.
Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution. Towns liable to fine in case, &c.

Expense of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

See amendments, Arts. X. and XV. House alone can impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them there-

for; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—His EXCELLENCY.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seised, in his own right, of a frechold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Mouday of April,

See amend-
ments, Arts. II.,
X., XIV. and
XV.

annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

How chosen,
when no person
has a majority.

Power of gov-
ernor, and of
governor and
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene the
same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the

Limitation.

defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, &c.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

Election of officers.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

Adjutant-general.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Army officers,
how appointed.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Organization of
militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how
drawn from the
treasury, ex-
cept, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards
and certain offi-
cers to make
quarterly re-
turns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private

Salary of gov-
ernor.

concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amend-ments, Arts. III., VI., X. and XV.

How chosen.

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—His Honor; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incum-

bent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.
See amendments, Art. XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from whom, and how chosen.
See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

[IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.]

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority,

Council to exercise the power of governor, in case, &c.

to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may be adjourned until, &c.

Order thereof. Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

Secretary to keep records; to attend the governor and council, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their

respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution : provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates ; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace ; tenure of their office

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require ; and the legislature shall, from time to time, hereafter, appoint such times and places ; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &c.

SECTION 1.

The University.

Harvard Col-
lege.

Powers, privi-
leges, &c., of the
president and
fellows, con-
firmed.

Property de-
vised.

Gifts, grants,
and conveyances
confirmed.

Board of Over-
seers estab-
lished by gener-
al court of 1642.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the

clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Overseers established by constitution.

Power of alteration reserved to the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS ; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES ; PECUNIARY QUALIFICATIONS ; COMMISSIONS ; WRITS ; CONFIRMATION OF LAWS ; HABEAS CORPUS ; THE ENACTING STYLE ; CONTINUANCE OF OFFICERS ; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

Declaration of executive and legislative officers.

See amendments, Art. VII.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

" I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

See amendments, Art. VI.

[" I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State ; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth ; except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," and "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

See amendments, Art. VI.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor

Incompatible offices.

See amendments, Art. VIII.

of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c.,
operates dis-
qualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money
ascertained.
Property quali-
fications.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

See amend-
ments, Art.
XIII.

Provisions re-
specting com-
missions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions re-
specting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of
former laws, ex-
cept, &c.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Benefit of
habeas corpus
secured, except,
&c.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

The enacting
style.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.]

Officers of former
government
continued until,
&c.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for
revising consti-
tution. Amend-
ments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for
preserving and
publishing this
constitution.

ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

"I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear," and inserting, instead thereof, the word "affirm," and omitting the words, "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

Incompatibility
of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and

done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead. and termination.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.] Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision. Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled. Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:— Religious freedom established.

"As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative

district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

See amendments, Art. XXII.

Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and

ratio of increase.

town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

See amendments, Art. XVI.

Qualifications of councillors.

Freehold as a qualification not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of

Legislature to district State.

inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election,

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general

court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for

Twenty-third article of amendments annulled.

CONSTITUTION OF THE

two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE
CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and were approved and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and were approved and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and was approved and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and were approved and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and was approved and ratified by the people on the sixth day of April, 1863.



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General Statutes and Special Acts
OF
MASSACHUSETTS.

1876.

☞ The General Court of 1876 assembled on Wednesday, the fifth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency ALEXANDER H. RICE and His Honor HORATIO G. KNIGHT, on Thursday, the sixth day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, CONCERNING MANUFACTURING AND OTHER CORPORATIONS. *Chap. 1.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Section one of chapter one hundred and seventy-seven of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out these words ; "but stockholders, the par value of whose shares has been paid in."

Amendment to
1875, 177, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1876.

AN ACT TO AMEND CERTAIN ACTS RELATING TO THE MERCANTILE LIBRARY ASSOCIATION, OF BOSTON. *Chap. 2.*

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter one hundred and fifty-one of the acts of the year eighteen hundred and forty-five, entitled "An Act to incorporate the Mercantile Library Association," is hereby amended by striking out the words "among young men now engaged in, or destined for, the mercantile professions."

Mercantile Li-
brary, amend-
ment to, 1845,
151, § 1.

SECTION 2. Section two of said chapter is hereby amended by striking out the words "a majority of the members of the corporation" and inserting in place thereof the words, "a majority of the members present and voting at a legal meeting."

Amendment to
1845, 151, § 2.

SECTION 3. Section three of said chapter is hereby amended by striking out the words "engaged in mercantile pursuits or preparing themselves therefor, and."

Amendment to
1845, 151, § 3.

Amendment to
1856, 46, § 2.

SECTION 4. Section two of chapter forty-six of the acts of the year eighteen hundred and fifty-six, entitled "An Act in addition to an act, entitled 'An Act to incorporate the Mercantile Library Association' passed in the year one thousand eight hundred and forty-five," is hereby amended by striking out the words, "engaged in mercantile pursuits, and."

SECTION 5. This act shall take effect upon its passage.

Approved January 31, 1876.

Chap. 3. AN ACT AUTHORIZING THE TEACHING OF SEWING IN THE PUBLIC SCHOOLS.

Be it enacted, &c., as follows:

Sewing may be
taught in public
schools.

SECTION 1. Sewing shall be taught, in any city or town, in all the public schools in which the school committee of such city or town deem it expedient.

Action of school
committees rati-
fied.

SECTION 2. The action of the school committee of any city or town in causing sewing to be taught in the public schools thereof, is ratified, confirmed and made valid to the same extent as if this act had passed prior to such teaching.

SECTION 3. This act shall take effect upon its passage.

Approved February 1, 1876.

Chap. 4. AN ACT TO AMEND SECTION FIFTY-EIGHT OF CHAPTER ONE HUNDRED AND TWENTY OF THE GENERAL STATUTES, RELATIVE TO FEES REMAINING IN THE HANDS OF JUSTICES OF THE PEACE.

Be it enacted, &c., as follows:

Fees of justices
of the peace.
G. S. 120, § 58.

Section fifty-eight of chapter one hundred and twenty of the General Statutes is hereby amended by striking out the words "three years" and inserting in place thereof the words "one year."

Approved February 9, 1876.

Chap. 5. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury from the ordinary revenue, for the purposes specified, to meet the expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-six, to wit:—

SUPREME JUDICIAL COURT.

Clerk.

For the salary of the clerk of the supreme judicial court of the Commonwealth, three thousand dollars.

Assistant clerk.

For the salary of the assistant clerk of said court, one thousand five hundred dollars.

For the salary of the reporter of the decisions of the Reporter.
supreme judicial court, three hundred dollars.

For clerk hire and incidental expenses of the reporter Expenses.
of the decisions of said court, a sum not exceeding one
thousand five hundred dollars.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, Chief justice.
five thousand three hundred dollars.

For the salaries of the ten associate justices of said Associate jus-
tices.
court, fifty thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency Judge—
Suffolk.
for the county of Suffolk, four thousand dollars.

For the salary of the judge of probate and insolvency Middlesex.
for the county of Middlesex, two thousand five hundred
dollars.

For the salary of the judge of probate and insolvency Worcester.
for the county of Worcester, two thousand five hundred
dollars.

For the salary of the judge of probate and insolvency Essex.
for the county of Essex, two thousand five hundred dol-
lars.

For the salary of the judge of probate and insolvency Norfolk.
for the county of Norfolk, two thousand dollars.

For the salary of the judge of probate and insolvency Bristol.
for the county of Bristol, one thousand eight hundred
dollars.

For the salary of the judge of probate and insolvency Plymouth.
for the county of Plymouth, one thousand five hundred
dollars.

For the salary of the judge of probate and insolvency Berkshire.
for the county of Berkshire, one thousand two hundred
dollars.

For the salary of the judge of probate and insolvency Hampden.
for the county of Hampden, one thousand eight hundred
dollars.

For the salary of the judge of probate and insolvency Hampshire.
for the county of Hampshire, one thousand four hundred
dollars.

For the salary of the judge of probate and insolvency Franklin.
for the county of Franklin, one thousand four hundred
dollars.

Judge— Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars.
Register— Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, one thousand six hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars.
Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
Assistant reg- ister— Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Assistant register—Middlesex.

For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.

For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars. Norfolk.

DISTRICT-ATTORNEYS.

For the salary of the district-attorney for the Suffolk clerk, five thousand dollars; and for the salary of his clerk, one thousand dollars. Attorney and clerk—Suffolk.

For the salary of the assistant district-attorney for the Suffolk district, three thousand dollars. Assistant attorney—Suffolk.

For the salary of the second assistant district-attorney for the Suffolk district, two thousand dollars. Second assistant attorney—Suffolk.

For the salary of the district-attorney for the eastern district, two thousand dollars. Attorney—Eastern district.

For the salary of the district-attorney for the northern district, two thousand dollars. Northern district.

For the salary of the district-attorney for the southern district, two thousand dollars. Southern district.

For the salary of the district-attorney for the middle district, two thousand dollars. Middle district.

For the salary of the district-attorney for the south-eastern district, two thousand dollars. South-eastern district.

For the salary of the district-attorney for the western district, two thousand dollars. Western district.

For the salary of the district-attorney for the north-western district, one thousand five hundred dollars. North-western district.

POLICE COURTS.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars. Justice—Cambridge.

For the salary of the justice of the police court in Chelsea, one thousand eight hundred dollars. Chelsea.

For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars. Chicopee.

Justice—
Fitchburg.

For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.

Gloucester.

For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.

Haverhill.

For the salary of the justice of the police court in Haverhill, one thousand eight hundred dollars.

Holyoke.

For the salary of the justice of the police court in Holyoke, one thousand six hundred dollars.

Lawrence.

For the salary of the justice of the police court in Lawrence, one thousand eight hundred dollars.

Lee.

For the salary of the justice of the police court in Lee, eight hundred dollars.

Lowell.

For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

Lynn.

For the salary of the justice of the police court in Lynn, one thousand eight hundred dollars.

Newburyport.

For the salary of the justice of the police court in Newburyport, one thousand dollars.

Somerville.

For the salary of the justice of the police court in Somerville, one thousand eight hundred dollars.

Springfield.

For the salary of the justice of the police court in Springfield, two thousand four hundred dollars.

Williamstown.

For the salary of the justice of the police court in Williamstown, three hundred dollars.

Clerk—
Cambridge.

For the salary of the clerk of the police court in Cambridge, one thousand dollars.

Chelsea.

For the salary of the clerk of the police court in Chelsea, one thousand dollars.

Fitchburg.

For the salary of the clerk of the police court in Fitchburg, eight hundred dollars.

Haverhill.

For the salary of the clerk of the police court in Haverhill, one thousand dollars.

Lawrence.

For the salary of the clerk of the police court in Lawrence, one thousand dollars.

Lynn.

For the salary of the clerk of the police court in Lynn, one thousand dollars.

Lowell.

For the salary of the clerk of the police court in Lowell, one thousand two hundred dollars.

Newburyport.

For the salary of the clerk of the police court in Newburyport, six hundred dollars.

Somerville.

For the salary of the clerk of the police court in Somerville, one thousand dollars.

Springfield.

For the salary of the clerk of the police court in Springfield, one thousand two hundred dollars.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Boston, nine thousand dollars. Justices in Boston.

For the salary of the justice of the municipal court for the southern district of Boston, two thousand five hundred dollars. Justice—Southern district.

For the salary of the justice of the municipal court of the Dorchester district in Boston, one thousand six hundred dollars. Dorchester district.

For the salary of the justice of the municipal court of the Charlestown district in Boston, two thousand dollars. Charlestown district.

For the salary of the justice of the municipal court of the West Roxbury district in Boston, one thousand six hundred dollars. West Roxbury district.

For the salary of the justice of the municipal court of the Brighton district in Boston, one thousand six hundred dollars. Brighton district.

For the salary of the justice of the municipal court of the South Boston district in Boston, two thousand dollars. South Boston district.

For the salary of the justice of the municipal court of the East Boston district of Boston, one thousand six hundred dollars. East Boston district.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars. Clerk—criminal business.

For the salary of the clerk of the municipal court for the southern district of Boston, one thousand five hundred dollars; and for the salary of the assistant clerk of said court, eight hundred dollars. Clerk and assistant—Southern district.

For the salary of the clerk of the municipal court of the Dorchester district in Boston, one thousand dollars. Clerk—Dorchester district.

For the salary of the clerk of the municipal court of the Charlestown district in Boston, one thousand five hundred dollars. Charlestown district.

For the salary of the clerk of the municipal court of the West Roxbury district in Boston, one thousand dollars. West Roxbury district.

For the salary of the clerk of the municipal court of the Brighton district in Boston, one thousand dollars. Brighton district.

For the salary of the clerk of the municipal court of the South Boston district in Boston, one thousand five hundred dollars. South Boston district.

For the salary of the clerk of the municipal court of East Boston district in Boston, one thousand dollars. East Boston district.

DISTRICT COURTS.

Justice— Central Berk- shire.	For the salary of the justice of the district court for central Berkshire, one thousand six hundred dollars.
Northern Berk- shire.	For the salary of the justice of the district court of northern Berkshire, one thousand two hundred dollars.
Southern Berk- shire.	For the salary of the justice of the district court of southern Berkshire, one thousand two hundred dollars.
Southern Worcester— First district.	For the salary of the justice of the first district court of southern Worcester, one thousand two hundred dollars.
Second district.	For the salary of the justice of the second district court of southern Worcester, one thousand five hundred dollars.
Third district.	For the salary of the justice of the third district court of southern Worcester, one thousand six hundred dollars.
Eastern Worcester— First district.	For the salary of the justice of the first district court of eastern Worcester, eight hundred dollars.
Second district.	For the salary of the justice of the second district court of eastern Worcester, one thousand two hundred dollars.
Central Worces- ter.	For the salary of the justice of the central district court of Worcester, three thousand dollars.
Northern Middlesex— First district.	For the salary of the justice of the first district court of northern Middlesex, one thousand two hundred dollars.
Southern Middlesex— First district.	For the salary of the justice of the first district court of southern Middlesex, one thousand six hundred dollars.
Central Middle- sex.	For the salary of the justice of the district court of central Middlesex, one thousand two hundred dollars.
Eastern Middle- sex.	For the salary of the justice of the first district court of eastern Middlesex, two thousand dollars.
East Norfolk.	For the salary of the justice of the district court of east Norfolk, one thousand eight hundred dollars.
Eastern Hamp- den.	For the salary of the justice of the district court of eastern Hampden, one thousand dollars.
Bristol— First district.	For the salary of the justice of the first district court of Bristol, two thousand dollars.
Second district.	For the salary of the justice of the second district court of Bristol, two thousand dollars.
Third district.	For the salary of the justice of the third district court of Bristol, one thousand eight hundred dollars.
Essex— First district.	For the salary of the justice of the first district court of Essex, three thousand dollars.
Plymouth— First district.	For the salary of the justice of the first district court of Plymouth, one thousand two hundred dollars.
Second district.	For the salary of the justice of the second district court of Plymouth, one thousand four hundred dollars.

For the salary of the justice of the third district court of Plymouth, one thousand four hundred dollars. Third district.

For the salary of the justice of the fourth district court of Plymouth, one thousand two hundred dollars. Fourth district.

For the salary of the clerk of the district court of central Berkshire, eight hundred dollars. Clerk—
Central Berk-
shire.

For the salary of the clerk of the district court of northern Berkshire, eight hundred dollars. Northern Berk-
shire.

For the salary of the clerk of the district court of southern Berkshire, six hundred dollars. Southern Berk-
shire.

For the salary of the clerk of the district court of central Worcester, two thousand five hundred dollars; and for the salary of the assistant clerk of said court, one thousand dollars. Central Worces-
ter.

For the salary of the clerk of the second district court of eastern Worcester, six hundred dollars. Eastern
Worcester.

For the salary of the clerk of the district court of east Norfolk, one thousand dollars. East Norfolk.

For the salary of the clerk of the first district court of northern Middlesex, six hundred dollars. Northern Mid-
dlesex.

For the salary of the clerk of the first district court of southern Middlesex, eight hundred dollars. Southern Mid-
dlesex.

For the salary of the clerk of the first district court of eastern Middlesex, one thousand dollars. Eastern Middle-
sex.

For the salary of the clerk of the first district court of Bristol, one thousand two hundred dollars. Bristol—
First district.

For the salary of the clerk of the second district court of Bristol, one thousand two hundred dollars. Second district.

For the salary of the clerk of the third district court of Bristol, one thousand dollars. Third district.

For the salary of the clerk of the first district court of Plymouth, six hundred dollars. Plymouth—
First district.

For the salary of the clerk of the second district court of Plymouth, eight hundred dollars. Second district.

For the salary of the clerk of the third district court of Plymouth, eight hundred dollars. Third district.

For the salary of the clerk of the fourth district court of Plymouth, seven hundred dollars. Fourth district.

For the salary of the clerk of the first district court of Essex, two thousand five hundred dollars. Essex—
First district.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1876.

Chap. 6. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-six, to wit :—

LEGISLATIVE DEPARTMENT.

Clerks of senate and house.	For the salaries of the clerks of the senate and house of representatives, six thousand dollars.
Sergeant-at-arms.	For the salary of the sergeant-at-arms, three thousand dollars.
Engineer, watchmen and firemen.	For the compensation of an engineer, and such watchmen and firemen as may be employed in the state house, a sum not exceeding ten thousand dollars.

EXECUTIVE DEPARTMENT.

Lieutenant-governor and council.	For the compensation and mileage of the lieutenant-governor and council, a sum not exceeding fifteen thousand dollars.
Governor's secretary.	For the salary of the private secretary of the governor, two thousand five hundred dollars.
Messenger.	For the salary of the messenger of the governor and council, one thousand two hundred dollars.
Assistant-messenger.	For the salary of the assistant-messenger of the governor and council, one thousand dollars.

SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, three thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the secretary's department, two thousand dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.
Messenger.	For the salary of the messenger in the secretary's department, one thousand two hundred dollars.
Additional clerical assistance.	For such additional clerical assistance as the secretary may find necessary, a sum not exceeding sixteen thousand dollars.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, Treasurer.
five thousand dollars.

For the salary of the first clerk in the treasurer's First clerk.
department, two thousand five hundred dollars.

For the salary of the first assistant clerk in the treasurer's First assistant clerk.
department, two thousand dollars.

For the salary of the cashier in the treasurer's department, Cashier.
two thousand dollars.

For such additional clerical assistance as the treasurer Additional clerical assistance.
may find necessary, a sum not exceeding four thousand dollars.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner and commissioner of corporations, Deputy tax commissioner.
three thousand dollars.

For the salary of the first clerk of the tax commissioner, First clerk.
two thousand dollars.

For the salary of the second clerk of the tax commissioner, Second clerk.
one thousand five hundred dollars.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find Additional clerical assistance.
necessary, a sum not exceeding fourteen thousand seven hundred dollars.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, Auditor of accounts.
three thousand five hundred dollars.

For the salary of the first clerk in the auditor's department, First clerk.
two thousand two hundred dollars.

For the salary of the second clerk in the auditor's department, Second clerk.
two thousand dollars.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand Additional clerical assistance.
five hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, Attorney-general.
five thousand dollars.

For the salary of the assistant attorney-general, Assistant.
two thousand five hundred dollars.

COMMISSIONERS, AND OTHERS.

Savings banks commissioner.	For the salary of the commissioner of savings banks, three thousand three hundred dollars.
Insurance commissioner.	For the salary of the insurance commissioner, two thousand dollars.
Deputy.	For the salary of the deputy insurance commissioner, three thousand dollars.
Clerk.	For the salary of the clerk of the insurance commissioner, two thousand dollars.
Additional clerical assistance.	For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding three thousand one hundred dollars.
Fees for valuation of life policies.	The fees received as compensation for the valuation of life policies, are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine.
Inspector of gas-meters.	For the salary and office expenses of the inspector of gas-meters, three thousand dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, twelve thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, two thousand five hundred dollars.
Board of health.	For the salary of the secretary of the board of health, two thousand five hundred dollars.
Inspector of liquors.	For the salary of the assayer and inspector of liquors, two thousand five hundred dollars.

BOARD OF STATE CHARITIES.

State charities—Secretary.	For the salary of the secretary of the board of state charities, three thousand dollars.
Clerical assistance.	For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five thousand dollars.
General agent.	For the salary of the general agent of the board of state charities, three thousand dollars.
Clerical and other assistance.	For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding nine thousand dollars.
Visiting agent.	For the salary of the visiting agent of the board of state charities, three thousand dollars.

For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding nine thousand five hundred dollars.

Clerical and other assistance.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding ten thousand dollars. Any additional assistance necessary to effect such transportation, shall be paid out of that sum; and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of said transportation; provided, a detailed report of such expenditure shall be rendered to the auditor of accounts, whenever required.

Transportation of state paupers.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund, applicable to educational purposes.

Board of education—Secretary.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.

Clerk and assistant librarian.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand and sixteen dollars.

Additional clerical assistance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, three thousand dollars.

Adjutant-general.

For the salary of the first clerk of the adjutant-general, two thousand two hundred dollars.

Clerk.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding seven thousand nine hundred and eighty dollars.

Additional clerical assistance.

For the salary of the surgeon-general, two thousand five hundred dollars.

Surgeon-general.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding three thousand five hundred dollars.

Clerical assistance.

For the compensation of the messenger in the surgeon-general's bureau, one thousand two hundred dollars.

Messenger.

For the compensation of the employés at the state arsenal, a sum not exceeding two thousand five hundred dollars.

Employés at the arsenal.

For the salary of the judge-advocate-general, one thousand dollars.

Judge-advocate-general.

Clerical assistance for adjutant-general.

For such clerical assistance as the adjutant-general may find necessary in preparing for publication "A list of Massachusetts officers, sailors and marines, who served in the navy in the late war," a sum not exceeding two thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1876.

Chap. 7. AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE THE WEST AMESBURY BRANCH RAILROAD.

Be it enacted, &c., as follows :

Boston & Maine Railroad may purchase West Amesbury Branch Railroad.

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the West Amesbury Branch Railroad Company, and the said West Amesbury Branch Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted to it; and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of said West Amesbury Branch Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however,* that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by a majority of the votes at meetings of the stockholders of each corporation called for that purpose.

Purchase to be approved by stockholders of each corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1876.

Chap. 8. AN ACT RELATING TO CRIMINAL JURISDICTION OVER THE ISLANDS AND WATERS OF BOSTON HARBOR.

Be it enacted, &c., as follows :

Criminal jurisdiction of courts in Suffolk county over islands and waters in Boston harbor.

SECTION 1. The concurrent criminal jurisdiction of the courts in the county of Suffolk, so far as it relates to the islands or waters of Boston harbor, shall not extend to the southward of a line drawn westwardly from the most easterly point of Point Alderton, through the most northerly point of Moon Island to the channel of Neponset River, excepting those portions of the town of Hull embraced within the provisions of chapter one hundred and seventy-seven of the acts of the year one thousand eight hundred and sixty-three.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1876.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENDITURES AUTHORIZED IN EIGHTEEN HUNDRED AND SEVENTY-FIVE AND PREVIOUS YEARS. *Chap. 9.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit :—

For printing and binding ordered by the senate and house of representatives, two thousand seven hundred sixty-six dollars and thirty-five cents. Printing and binding.

For stationery, printing, etc., ordered by the sergeant-at-arms, forty-two dollars and thirty-seven cents. Stationery.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, five hundred sixty dollars and thirty-two cents. Contingent expenses—Legislature.

For repairs in and about the state house during the previous year, one thousand four hundred seventy-five dollars and thirty-nine cents. Repairs.

For expenses connected with house number thirty-three, Pemberton square, four hundred sixty-seven dollars and fifty cents. House No. 33, Pemberton Sq.

For contingent expenses of the executive council, three hundred forty-one dollars and twenty-seven cents. Contingent expenses—Council.

For council postage, printing, etc., one hundred twenty dollars and ninety-five cents. Postage—Council.

For printing and binding the public series of documents for the year eighteen hundred and seventy-four, eight thousand four hundred ninety-six dollars and forty cents. Public series of documents.

For term reports, one thousand two hundred and fourteen dollars. Term reports.

For extra clerical assistance in the secretary's department, eighty-nine dollars and sixty-three cents. Clerical assistance—Secretary.

For militia compensation, four thousand one hundred seventy-five dollars and seventy-five cents. Militia compensation.

For expenses of transportation of the militia, seven thousand three hundred ninety-four dollars and ninety-five cents. Militia transportation.

For expenses of the bureau of the quartermaster-general, two thousand nine hundred ninety-four dollars and seventy-seven cents. Quartermaster-general.

Quartermaster's supplies.	For quartermaster's supplies, two thousand four hundred thirty-nine dollars and sixty-eight cents.
Military accounts.	For military accounts, five hundred sixty-six dollars and sixty-six cents.
State almshouse.	For the current expenses of the state almshouse at Tewksbury, three thousand two hundred ninety-eight dollars and forty-seven cents.
Boston school for deaf-mutes.	For the tuition of state beneficiaries in the Boston school for deaf-mutes, three hundred eighty-two dollars and sixty-four cents.
Transportation of state paupers.	For the reimbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, seventy-two dollars and fifty cents.
Industrial school.	For the current expenses of the industrial school for girls at Lancaster, a sum not exceeding four thousand five hundred nineteen dollars and thirty-seven cents.
Industrial statistics and census.	For expenses incurred in taking the industrial statistics and decennial census of the Commonwealth, a sum not exceeding forty-six thousand dollars.
Bureau of statistics.	For expenses incurred by the bureau of statistics on the subject of labor, four hundred seven dollars and twenty-two cents.
Harbor commissioners.	For compensation and expenses of the harbor commissioners, five hundred three dollars and twenty-eight cents.
Memorial statues in Washington.	The unexpended balance of the appropriation authorized by chapter three hundred and sixty of the acts of the year eighteen hundred and seventy-two, and chapter three hundred and nineteen of the acts of the year eighteen hundred and seventy-four, for the erection of memorial statues in the national capitol at Washington, is hereby made applicable to the same purpose for the present year.
Boston harbor.	The unexpended balance of the appropriation authorized by chapter three hundred and four of the acts of the year eighteen hundred and seventy-four, entitled "An Act to provide for the improvement of Boston harbor at Junction shoal," is hereby made applicable to the same purpose for the present year.
Commonwealth flats in Boston harbor.	The unexpended balance of the appropriation authorized by chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-two, and chapter twelve of the acts of the year eighteen hundred and seventy-four, for the improvement of the Commonwealth flats in Boston harbor, is hereby made applicable to the same purpose for the present year.

For compensation for lectures before the board of agriculture, thirty-one dollars and seventy-five cents.

Board of agriculture.

For expenses of the secretary of the board of agriculture, a sum not exceeding twenty-five dollars.

Secretary of board, expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1876.

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, ASSISTANT CLERKS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

Chap. 10.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit :—

Appropriations.

For the mileage of senators, a sum not exceeding four hundred dollars.

Senators' mileage.

For the compensation of senators, a sum not exceeding thirty thousand seven hundred and fifty dollars.

Compensation.

For the mileage of representatives, a sum not exceeding two thousand dollars.

Representatives' mileage.

For the compensation of representatives, a sum not exceeding one hundred eighty thousand seven hundred and fifty dollars.

Compensation.

For the compensation of the preacher of the election sermon, one hundred dollars.

Election sermon.

For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars.

Chaplains.

For the compensation of the assistant clerks of the senate and house of representatives, one thousand eight hundred dollars.

Assistant clerks.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding twenty thousand dollars.

Doorkeepers and messengers.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding five hundred dollars.

Witnesses before committees.

For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding eight thousand dollars.

Expenses of committees.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1876.

Chap. 11. AN ACT TO CHANGE THE TIME OF ELECTION OF THE DIRECTORS OF THE COLLATERAL LOAN COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Government to
be in seven
directors.

SECTION 1. Section six of chapter one hundred and seventy-three of the acts of eighteen hundred and fifty-nine is hereby amended so as to read as follows: The government of the company shall be in seven directors, five of whom shall be chosen annually, at such time as the stockholders may from time to time determine, together with one to be appointed by the governor of the Commonwealth, and one to be appointed by the mayor of the city of Boston; and the board thus created shall elect one of their number president, and such other officers as may be deemed necessary.

Proceedings
confirmed.

SECTION 2. The elections of directors, and other proceedings which have taken place at the annual meetings of said corporation which have been held in November, are hereby confirmed and made valid to the same extent as if said meetings had been held in October.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1876.

Chap. 12. AN ACT TO EXTEND THE TIME FOR COMMENCING AND COMPLETING THE CAPE COD SHIP CANAL.

Be enacted, &c., as follows :

Time extended
for commence-
ment and com-
pletion.

SECTION 1. The time fixed by chapter thirty-six of the acts of the year eighteen hundred and seventy, chapter fifty-four of the acts of the year eighteen hundred and seventy-two, and chapter thirty-one of the acts of the year eighteen hundred and seventy-five, for commencing and completing the Cape Cod Ship Canal, is hereby extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1876.

Chap. 13. AN ACT TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MASTERS IN CHANCERY IN THE COUNTY OF WORCESTER.

Be it enacted, &c., as follows :

Additional
masters in chan-
cery in Worces-
ter County.

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint two additional masters in chancery in and for the county of Worcester; and hereafter the number of masters in chancery for said county shall be seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1876.

AN ACT PROVIDING FOR THE RETURN OF JUVENILE OFFENDERS TO THE STATE REFORM AND INDUSTRIAL SCHOOLS. *Chap. 14.*

Be it enacted, &c., as follows :

SECTION 1. Chapter one hundred and ninety-eight of the acts of eighteen hundred and sixty-six, is hereby amended in the sixth section, by adding thereto the words, "provided, that whenever in its judgment the object of such transfer has been accomplished, said board may return such person, with the mittimus, to the institution from which such transfer was made."

Juvenile offenders transferred to workhouse may be returned to reform and industrial schools.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1876.

AN ACT TO APPORTION REPRESENTATIVES TO THE SEVERAL COUNTIES. *Chap. 15.*

Be it enacted, &c., as follows :

SECTION 1. The two hundred and forty members of the house of representatives are hereby apportioned to the several counties, agreeably to the provisions of the constitution, until the next decennial census, as follows : To the county of Barnstable, six representatives ; to the county of Berkshire, ten representatives ; to the county of Bristol, eighteen representatives ; to the county of Dukes County, one representative ; to the county of Essex, thirty-three representatives ; to the county of Franklin, six representatives ; to the county of Hampden, thirteen representatives ; to the county of Hampshire, six representatives ; to the county of Middlesex, forty representatives ; to the county of Nantucket, one representative ; to the county of Norfolk, excluding therefrom the town of Cohasset, thirteen representatives ; to the county of Plymouth, including, in addition thereto, the town of Cohasset, twelve representatives ; to the county of Suffolk, fifty representatives ; to the county of Worcester, thirty-one representatives.

Apportionment of representatives to the several counties.

SECTION 2. In case a new election is ordered during the present political year, to fill any vacancy in the house of representatives, said election shall be held in the district which elected the representative whose place is so vacant, notwithstanding anything in this act.

Vacancies in house during present political year.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1876.

Chap. 16. AN ACT TO INCORPORATE THE BOSTON POLICE RELIEF ASSOCIATION.*Be it enacted, &c., as follows :*

Corporators.

Name and purpose.

Powers and duties.

Proviso.

Real and personal estate.

SECTION 1. John W. Chase, Henry O. Goodwin, George A. Walker, De Lafayette Thompson, George Smith, their associates and successors, all of whom shall be members of the police department of the city of Boston, are hereby made a corporation, by the name of the Boston Police Relief Association, in the city of Boston, for the purpose of assisting the families of deceased members of said association, and the members thereof, when sick or disabled, or upon the decease of their wives; with all the powers and privileges and subject to all the liabilities, duties and restrictions, set forth in all general laws which now are, or may hereafter be, in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said association, under the by-laws thereof, or under the provisions of this act.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate not exceeding one hundred thousand dollars in value.

SECTION 3. This act shall take effect upon its passage.

*Approved February 23, 1876.**Chap. 17.* AN ACT TO AUTHORIZE THE ARREST OF INTOXICATED PERSONS, WITHOUT A WARRANT, IN CERTAIN CASES.*Be it enacted, &c., as follows :*

Person intoxicated, may be arrested without a warrant.

Whoever is found in a state of intoxication in a public place, or is found in any place in a state of intoxication committing a breach of the peace, or disturbing others by noise, may be apprehended by any sheriff, deputy sheriff, constable, watchman or police officer, without a warrant, and kept in custody in some suitable place until he is so far recovered from his intoxication as to render it proper to carry him before a court of justice. The officer may then make a complaint against him for the crime of drunkenness.

Approved February 23, 1876.

AN ACT TO AUTHORIZE THE TRANSFER OF THE NEWTON FREE LIBRARY TO THE CITY OF NEWTON. *Chap. 18.*

Be it enacted, &c., as follows:

SECTION 1. The Newton Free Library may grant, transfer and convey to the city of Newton, its franchise, library and property, real and personal, for the establishment of a public library therein, to be forever maintained by said city.

Newton Free Library may be transferred to city, for a public library.

SECTION 2. All grants, donations or bequests heretofore made to the said Newton Free Library, shall, by force of this act, and of the transfer and conveyance hereby authorized, inure and pass to the city of Newton, for the use and benefit of the public library to be established and maintained therein as aforesaid.

Grants, donations, etc., to inure to city for benefit of public library.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1876.

AN ACT IN ADDITION TO AN ACT TO REGULATE AND LIMIT MUNICIPAL INDEBTEDNESS. *Chap. 19.*

Be it enacted, &c., as follows:

SECTION 1. Any city which at a legal meeting of its legal voters duly held for that purpose has accepted, or shall hereafter accept by a vote of two-thirds of the legal voters present and voting thereon, any act to supply said city with pure water, may contract debts and issue bonds for the purposes and to the extent authorized by such act, by a vote of the majority of the members of each branch of the city council, taken by yeas and nays, in like manner as provided in and subject to all the other provisions of chapter two hundred and nine of the acts of eighteen hundred and seventy-five.

When act for water supply has been accepted by a two-thirds vote of legal voters, the debts authorized may be contracted by a majority vote of city council.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1876.

AN ACT AUTHORIZING CITIES AND TOWNS TO REGULATE THE DRIVING OF CATTLE OVER PUBLIC WAYS. *Chap. 20.*

Be it enacted, &c., as follows:

SECTION 1. Any city or town shall have power to regulate, by suitable ordinances or by-laws, to be made in the manner now provided by law, the passage and driving of sheep, swine and neat cattle through and over the public streets, ways, causeways and bridges within the limits of

May regulate the driving of cattle, etc., over public ways.

such city or town, and to annex penalties not exceeding fifty dollars for each violation thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

Chap. 21. AN ACT IN RELATION TO THE CUSTODY OF THE PUBLIC MONEYS.

Be it enacted, &c., as follows :

Treasurer may deposit public moneys in such national banks as shall be approved by governor and council.

SECTION 1. The treasurer and receiver-general is hereby authorized to deposit such portion, as he may find convenient, of the public moneys at any time in his possession, in such national banks within this Commonwealth as shall be approved by the governor and council: *provided*, that the whole amount of money so deposited in any one bank, shall not at any time exceed forty per centum of the paid-up capital of such bank; and *provided, further*, that the approval of the governor and council shall be renewed as often as once in every three consecutive months; and that all interest received on such deposits shall be paid into the treasury of the Commonwealth.

Interest on deposits to be paid into the treasury.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

Chap. 22. AN ACT IN RELATION TO THE APPOINTMENT OF AUDITORS UNDER CHAPTER FORTY-THREE OF THE GENERAL STATUTES.

Be it enacted, &c., as follows :

Auditors may be appointed when several parties have several estates at same time, in land, etc.

G. S. 43, § 17.
G. S. 121.

SECTION 1. In all cases in which a trial may be had at the bar of the superior court under the provisions of chapter forty-three of the General Statutes and any act in amendment thereof, where there are several parties having several estates at the same time in land or buildings other than, and different from, the estates and interests for which provision is made in section seventeen of said chapter, the said court may, in its discretion, appoint one or more auditors to hear the parties and assess the damages in the manner set forth in said chapter, and report upon such other matters arising in the cases, as may be ordered by the court; and the report shall be *prima facie* evidence upon such matters only, as are expressly embraced in the order. Such auditors shall be subject to the provisions of chapter one hundred and twenty-one of the General Statutes relating to auditors, so far as they are applicable.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

AN ACT RELATING TO THE DEDUCTIONS FROM THE TERMS OF SENTENCES OF CONVICTS IN THE STATE PRISON. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. For the purpose of computing the number of days to be deducted for good conduct from the term or terms of the sentence of a convict in the state prison, under section fifty-one of chapter one hundred and seventy-nine of the General Statutes, all sentences imposing upon such convict continuous imprisonment in said prison, shall be treated as one sentence, whether imposed at the same term or at different terms of court: *provided, however,* that this act shall not apply to sentences for offences committed during the term or terms of such imprisonment.

All sentences to be treated as one, in computing deductions for good conduct.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

AN ACT TO AMEND AN ACT TO ESTABLISH THE CITY OF CHELSEA. *Chap. 24.*

Be it enacted, &c., as follows :

SECTION 1. The act to establish the city of Chelsea, approved the thirteenth day of March, A. D. eighteen hundred and fifty-seven, is hereby so amended, that hereafter eight aldermen, being inhabitants of said city without regard to residence in wards, shall be elected by the qualified voters of the city at large voting in their respective wards, and in the same manner as is now provided in said act for the election of mayor; and the same proceedings shall be had to ascertain and determine the persons chosen as aldermen, as are now provided in said act in regard to the choice of mayor; and in case of vacancy, the mayor and aldermen shall issue their warrant for a new election to be held in the manner above provided.

Eight aldermen to be elected at large.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 3. This act shall be void unless accepted by a majority of the legal voters of said city present and voting thereon by ballot, at meetings which shall be held in the several wards of said city on the Tuesday next after the first Monday of November next. Meetings for that purpose shall be duly warned and called by the mayor and aldermen of said city. Said ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by

Subject to acceptance by legal voters.

the legislature of the Commonwealth in the year eighteen hundred and seventy-six, entitled 'An Act to amend an act to establish the city of Chelsea,' be accepted?"

Approved February 29, 1876.

Chap. 25. AN ACT TO EXTEND THE CHARTER OF THE MASSACHUSETTS COLLEGE OF PHARMACY.

Be it enacted, &c., as follows:

Charter extended without limitation of time.

SECTION 1. The "Massachusetts College of Pharmacy," in the city of Boston, shall be and remain a body corporate after the expiration of its present charter, as fully as if no limitation in regard to time were contained therein; and shall continue to have the powers and privileges, and to be subject to the duties, liabilities and restrictions, set forth in its charter and in the general laws which are or may be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

Chap. 26. AN ACT TO AUTHORIZE THE BAY STATE IRON COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

May increase capital stock.

SECTION 1. The Bay State Iron Company, incorporated by chapter twenty-six of the acts of the year one thousand eight hundred and fifty, is hereby authorized to increase its capital stock to an amount not exceeding one million five hundred thousand dollars; and said corporation may hold real and personal estate, for the purposes for which it was incorporated, not exceeding in amount one million five hundred thousand dollars.

Real and personal estate.

Amendment to 1850, 26, § 1.

SECTION 2. Section one of said chapter twenty-six of the acts of the year one thousand eight hundred and fifty, is hereby amended by striking out the words "in the city of Boston, county of Suffolk."

SECTION 3. This act shall take effect upon its passage.

Approved February 29, 1876.

Chap. 27. AN ACT AUTHORIZING THE TOWN OF NATICK TO RAISE MONEY TO PAY THE EXPENSES OF THE FUNERAL OF THE LATE VICE-PRESIDENT, HENRY WILSON.

Be it enacted, &c., as follows:

May raise money to pay funeral expenses of vice-president of United States.

SECTION 1. The town of Natick is hereby authorized to appropriate and raise by taxation a sum of money not exceeding the sum of one thousand dollars, to pay the

expenses of the funeral in said town of the late vice-president of the United States, Henry Wilson.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1876.

AN ACT FIXING THE COMPENSATION OF MEMBERS OF THE LEGISLATURE. *Chap. 28.*

Be it enacted, &c., as follows :

SECTION 1. Each member of the senate and house of representatives shall receive six hundred and fifty dollars for the regular annual session for which he is elected, and the president of the senate and the speaker of the house of representatives shall receive double the compensation provided for each individual member by this act.

Compensation of members of the legislature.

SECTION 2. Chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-one is hereby repealed.

Repeal of 1871, 190.

SECTION 3. Section one of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and seventy-two is amended in the fourth line by striking out the words "seven hundred and fifty" and inserting the words "six hundred and fifty."

Amendment to 1872, 328, § 1.

SECTION 4. This act shall take effect upon its passage.

Approved February 29, 1876.

AN ACT TO AUTHORIZE THE TOWN OF DUXBURY TO ESTABLISH A SINKING FUND, TO MEET THE LOAN MADE TO PAY FOR ITS STOCK IN THE DUXBURY AND COHASSET RAILROAD COMPANY. *Chap. 29.*

Be it enacted, &c., as follows :

SECTION 1. Such sums of money as the town of Duxbury may from time to time appropriate therefor, shall be set apart as a sinking fund, which, with the accumulated interest upon the same, shall be devoted to the payment at maturity of the loan or loans made by said town to pay for its stock in the Duxbury and Cohasset Railroad Company.

May establish sinking fund to pay for stock in Duxbury and Cohasset Railroad.

SECTION 2. Such sinking fund shall be subject to the provisions of section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and commissioners of said sinking fund shall be elected and vacancies in the board filled in accordance with the provisions of said section five, with all the powers and subject to all the limitations and liabilities therein expressed.

Commissioners of fund. 1875, 209, § 5.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1876.

Chap. 30. AN ACT TO DISSOLVE THE SALEM DISPENSARY AND TO AUTHORIZE THE TRANSFER OF ITS PROPERTY TO THE SALEM HOSPITAL.

Be it enacted, &c., as follows :

Salem Dispensary may transfer funds and property to Salem Hospital.

SECTION 1. The Salem Dispensary, incorporated by chapter thirty of the acts of the year eighteen hundred and thirty, is hereby authorized and empowered to transfer and convey all funds and property whatsoever which it now holds, to the Salem Hospital, a corporation organized under the general laws in the year eighteen hundred and seventy-three, and established in the city of Salem.

Corporation to be dissolved.

SECTION 2. Said first-named corporation, upon such transfer and conveyance, and without further act, shall be dissolved.

Approved March 3, 1876.

Chap. 31. AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR-MASTER FOR THE PORT OF NEWBURYPORT.

Be it enacted, &c., as follows :

Harbor-master may be appointed.

SECTION 1. The board of mayor and aldermen of the city of Newburyport may appoint a harbor-master for the port of Newburyport, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

To give bonds.

May appoint a deputy.

Vessels to be anchored under direction of harbor-master.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor-master.

To get a permit from harbor-master before unloading.

SECTION 3. Every vessel before unloading lumber in the stream shall get a permit from the harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To brace yards, etc., when directed.

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by the harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor-master to the use of the said city, in an action of contract.

To be moved in harbor according to directions of harbor-master.

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Gravel, etc., not to be deposited in harbor.

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Channel not to be obstructed by warps or lines.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth, or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor-master, to the use of said city, in an action of contract.

Vessels to change berths when directed.

SECTION 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

To be stationed in stream as harbor-master may order.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Penalty for disobeying instructions.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Liability for damages.

Masters of vessels to be furnished with copy of act.

SECTION 12. It shall be the duty of the harbor-master to place in the hands of the master of every vessel arriving at the port of Newburyport, a copy of this act.

Harbor to extend from chain bridge at Deer Island, to the bar.

SECTION 13. For the purposes of this act the harbor of said port shall be construed to extend from the chain bridge across the Merrimac River at Deer Island, to the bar at the entrance of said harbor.

SECTION 14. This act shall take effect upon its passage.

Approved March 3, 1876.

Chap. 32. AN ACT TO PRESERVE THE EEL FISHERIES IN JONES RIVER, IN THE TOWN OF KINGSTON.

Be it enacted, &c., as follows :

Eel fisheries in Jones River, in Kingston, to be preserved.

SECTION 1. Whoever takes, catches or destroys any eels in Jones River, in the town of Kingston, in the county of Plymouth, in any other manner than by spear or hook and line, shall forfeit for every eel so taken, not less than one dollar nor more than five dollars, one-half of said fine to be paid to the complainant.

Fines and penalties.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1876.

Chap. 33. AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-TWO OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR IN RELATION TO THE UNIFORM OF CERTAIN EMPLOYÉS OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows :

Amendment to 1874, 372, § 134.

Section one hundred and thirty-four of chapter three hundred and seventy-two of the acts of the year one thousand eight hundred and seventy-four, is amended by inserting before the word "cap," wherever it occurs in said section, the words "hat or."

Approved March 7, 1876.

Chap. 34. AN ACT TO AUTHORIZE THE NEWBURYPORT SOCIETY FOR THE RELIEF OF AGED FEMALES, TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

May hold additional real and personal estate.

SECTION 1. The Newburyport Society for the Relief of Aged Females, is hereby authorized to purchase, receive and hold, by gift, grant, devise or otherwise, real and personal estate to an amount not exceeding seventy thousand dollars, in addition to the amount authorized by chap-

ter one hundred and fifty-three of the acts of the year eighteen hundred and thirty-nine, and by chapter four of the acts of the year eighteen hundred and fifty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO ISSUE ADDITIONAL WATER SCRIP. *Chap. 35.*

Be it enacted, &c., as follows :

SECTION 1. The city of Newton, in addition to the amount of water scrip authorized by chapter three hundred forty-four of the acts of the year eighteen hundred seventy-two, and by section thirty of chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, may issue a further amount thereof, not exceeding the sum of two hundred and fifty thousand dollars, in accordance with the provisions of said first cited chapter, and for the purposes named therein.

May issue additional water scrip, not exceeding \$250,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR-MASTER FOR THE PORT OF NEW BEDFORD. *Chap. 36.*

Be it enacted, &c., as follows :

SECTION 1. The board of mayor and aldermen of the city of New Bedford may appoint a harbor-master for the port of New Bedford, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties ; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary, and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

Harbor-master may be appointed.

To give bonds.

May appoint a deputy.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor-master.

Vessels to be anchored under direction of harbor-master.

SECTION 3. Every vessel before unloading lumber in the stream, shall get a permit from the harbor-master designating where such lumber may be rafted to avoid

To get a permit from harbor-master before unloading.

obstructing the channel or hindering the movements of other vessels.

To brace yards, etc., when directed.

SECTION 4. Every vessel lying in the harbor or at any wharf or pier in said port, shall, when directed by the harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

To be moved in harbor according to directions of harbor-master.

SECTION 5. Said harbor-master may cause to be moved any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor-master, to the use of the said city, in an action of contract.

Gravel, etc., not to be deposited in harbor.

SECTION 6. No person shall throw or deposit in said harbor or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Channel not to be obstructed by warps or lines.

SECTION 7. No warp or line shall be passed across the channel, or any dock, so as to obstruct vessels passing along the same.

Vessels to change berths when directed.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth, or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor-master, to the use of said city, in an action of contract.

To be stationed in stream as harbor-master may order.

SECTION 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving and discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for disobeying instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him

in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation. Liability for damages.

SECTION 12. It shall be the duty of the harbor-master to place in the hands of the master of every vessel arriving at the port of New Bedford a copy of this act. Masters of vessels to be furnished with a copy of this act.

SECTION 13. This act shall take effect upon its passage.

Approved March 7, 1876.

AN ACT TO CHANGE THE NAME OF THE PROPRIETORS OF THE FOURTH UNIVERSALIST MEETING-HOUSE IN BOSTON, AND FOR OTHER PURPOSES.

Chap. 37.

Be it enacted, &c., as follows :

SECTION 1. The name of the Proprietors of the Fourth Universalist Meeting-house in Boston is hereby changed to the Broadway Universalist Society. Name changed to the Broadway Universalist Society.

SECTION 2. All acts which have been done and performed by the Proprietors of the Fourth Universalist Meeting-house in Boston since the year eighteen hundred and thirty-seven under the name of the Broadway Universalist Society, are hereby legalized and confirmed and made of the same force and effect as if performed under its corporate name. Acts legalized and confirmed.

SECTION 3. The Broadway Universalist Society is hereby authorized to hold real estate to the amount of one hundred thousand dollars, subject to all laws which now are, or may hereafter apply to such religious societies. Real estate not exceeding \$100,000.

SECTION 4. The real estate described in a deed of Caleb Thurston to the Broadway Universalist Society, dated March ninth eighteen hundred and sixty-nine, and recorded in the Suffolk registry of deeds, book nine hundred and fifty-four, shall be held by the Broadway Universalist Society, and the title thereto is hereby confirmed, made valid and of the same force, as if deeded to said society under its corporate name. Title to real estate confirmed.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1876.

Chap. 38. AN ACT TO REVIVE THE BOYLSTON BANK IN THE CITY OF BOSTON FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

Charter revived to enable president and directors to convey real estate.

SECTION 1. The corporation heretofore known as the Boylston Bank in the city of Boston, is revived and continued for the purpose of enabling the president and surviving directors of said Boylston Bank, at the time when the same became an association for carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the Boylston National Bank, any real estate, or interests therein, of said Boylston Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1876.

Chap. 39. AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-six, to wit:—

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Printing and binding ordered by legislature.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding fifty thousand dollars.

Senate stationery.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

Senate blanks and circulars.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding one thousand two hundred dollars.

House stationery.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding one thousand eight hundred dollars.

House blanks and circulars.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand five hundred dollars.

Stationery, etc., ordered by sergeant-at-arms.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding one thousand dollars.

For postage, printing and stationery for the governor and council, a sum not exceeding five hundred dollars.

Postage, etc.,
for governor
and council.

For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars.

Contingent ex-
penses of coun-
cil.

For the expenses of the executive department as authorized by chapter two hundred and fifty of the acts of the year eighteen hundred and seventy, a sum not exceeding five thousand dollars.

Expenses of
executive de-
partment.

STATE HOUSE EXPENSES.

For fuel and lights for the state house, a sum not exceeding four thousand five hundred dollars.

State house—
Fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.

Furniture and
repairs.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act, or any other act which may be subsequently passed.

Contingent ex-
penses of senate
and house of
representatives.

HOUSE NO. 33 PEMBERTON SQUARE.

For rent, taxes and other expenses connected with house number thirty-three Pemberton square, a sum not exceeding ten thousand dollars.

Expenses of
house in Pem-
berton square.

STATE PRINTING.

For printing such number, not exceeding thirty-five thousand, of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.

Printing general
laws.

For printing and binding four thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's message and other matters, in the usual form, a sum not exceeding six thousand dollars.

Printing and
binding "Blue
Book."

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Newspaper
publication of
general laws.

Public documents.

For printing the public series of documents for the year eighteen hundred and seventy-six, under direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding forty thousand dollars.

Term reports.

For term reports, a sum not exceeding five thousand dollars.

Supplement to General Statutes.

For the publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.

INCIDENTAL AND CONTINGENT EXPENSES.

Incidental expenses—
Secretary.

For incidental expenses of the secretary's department, a sum not exceeding five thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Treasurer.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars.

Tax commissioner.

For expenses of the tax commissioner, a sum not exceeding three thousand five hundred dollars.

Auditor.

For expenses of the auditor's department, the same to include expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding seven hundred dollars.

Insurance commissioner.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding two thousand dollars.

Supreme judicial court.

For expenses of the supreme judicial court, a sum not exceeding two thousand five hundred dollars.

Attorney-general.

For fees, costs and expenses of the attorney-general, and for incidental and contingent expenses of the attorney-general's office, a sum not exceeding two thousand dollars,

Civil actions.

and for expenses of civil actions, a sum not exceeding three hundred dollars.

MILITARY.

Surgeon-general.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Medical supplies.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Reimbursement for state aid.

For the reimbursement of cities and towns for money paid on account of state aid to Massachusetts volun-

teers and their families, a sum not exceeding four hundred and fifty thousand dollars; the same to be payable on the first day of December of the present year.

For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding two hundred dollars.

State aid under special laws.

For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding five hundred dollars.

Bounties to soldiers.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding eighteen thousand dollars.

Bounties to societies.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.

Expenses of members of board.

For the travelling expenses of the secretary of the board of agriculture, all postage and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Secretary.

For printing the report of the board of agriculture, a sum not exceeding twelve thousand dollars.

Printing report.

For other incidental expenses of the board of agriculture, a sum not exceeding one hundred and fifty dollars.

Incidental expenses.

The fees received under section two of chapter two hundred and six of the acts of the year eighteen hundred and seventy-four, entitled, "An Act concerning commercial fertilizers," are hereby appropriated, to be used in accordance with the provisions of section five of the same act.

Fees for licenses under 1874, 206, § 2.

MISCELLANEOUS.

For the salary of the chief of the bureau of statistics on the subject of labor, three thousand dollars; and for the salary of his deputy, two thousand dollars.

Bureau of statistics—
Salary of chief and deputy.

For the compensation of other clerical services and for expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars.

Clerical services.

To the sheriffs of the different counties for distributing proclamations, blanks, and making returns of votes, a sum not exceeding five hundred dollars.

Sheriffs, for distributing proclamations.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under direction of the trustees and librarian.

Books for state library.

For the compensation of experts or other agents, for rent of office and for contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars.

Railroad commissioners, contingent expenses.

Commissioners
on public lands.

For the compensation of the commissioners on public lands, a sum not exceeding two thousand five hundred dollars ; and for contingent and incidental expenses of said commissioners, a sum not exceeding one hundred dollars ; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

Commissioners
on fisheries.

For the compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand dollars.

State board of
health.

For expenses of the state board of health, a sum not exceeding five thousand dollars.

Commissioner
of corporations.

For expenses of the commissioner of corporations, a sum not exceeding one thousand five hundred dollars.

Harbor com-
missioners.

For the compensation and expenses of the harbor commissioners, a sum not exceeding twelve thousand dollars.

Industrial statis-
tics.

For expenses incurred under authority of chapter three hundred and eighty-six of the acts of the year eighteen hundred and seventy-four, entitled "An Act to provide for taking the industrial statistics and decennial census of the Commonwealth," a sum not exceeding twenty thousand dollars.

Decennial
census.

Commonwealth
flats at South
Boston.

For the compensation and expenses of the agents for the Commonwealth flats at South Boston, a sum not exceeding ten thousand dollars.

Obsequies of
Henry Wilson.

For expenses attending the obsequies of the late Henry Wilson, as authorized by the governor and council, a sum not exceeding five thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1876.

Chap. 40. AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO BUILD A BRANCH RAILROAD IN QUINCY.

Be it enacted, &c., as follows :

May construct
branch road in
Quincy.

SECTION 1. The Old Colony Railroad Company may locate, construct, maintain and operate a railroad between a point on its main line in Quincy near the Wollaston station and the land and docks of the Wollaston Wharf and Dock Company, in said Quincy.

Time for loca-
tion and con-
struction.

SECTION 2. The time within which the said railroad shall be located and constructed is limited to three years from the passage of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1876.

AN ACT TO DISCONTINUE A PART OF A PUBLIC LANDING PLACE IN *Chap. 41.*
THE TOWN OF BRADFORD.

Be it enacted, &c., as follows:

SECTION 1. So much of the public landing place at the foot of Ferry Street in the town of Bradford, county of Essex, as lies north-westerly of a line running north, twenty-two degrees east, from a stone monument to the Merrimack River, said monument being located two hundred ninety-eight feet north, seventy and one-fourth degrees west, of a stone monument standing at the south-easterly corner of said landing place, be, and the same is, hereby discontinued as a public highway and landing place. Public landing-place discontinued.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1876.

AN ACT TO INCORPORATE THE STURBRIDGE AQUEDUCT COMPANY. *Chap. 42.*

Be it enacted, &c., as follows:

SECTION 1. Amasa C. Morse, George W. Barnes, Elbridge Cass, Charles N. Allen, Jacob A. Cony, Ephraim Burr, Evelina W. Hyde, Phœbe P. Hutchins, James Whittemore, John N. Chamberlin, Jonah B. Griswold and Farnum Southwick, their associates and successors, are hereby made a corporation by the name of the Sturbridge Aqueduct Company, for the purpose of furnishing the inhabitants of the centre village of Sturbridge with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations. Corporators.

SECTION 2. Said corporation may take, hold and convey to, into and through the said village of said town the water of a spring and well on land of Samuel H. Hobbs and Hannah Hobbs, on the westerly side of Fiske Hill, so called, in said town, and may take and hold, by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining said aqueduct, and for distributing water, and may lay its water-pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs, and for the purposes aforesaid may carry its pipes under any street, highway or Name and purpose.
Powers and duties.
May take water from a spring on Fiske Hill.
May lay water-pipes through private lands.

private way, in such manner as not to obstruct the same : *provided*, that any work done on any public way shall be done under the direction of the selectmen of said Sturbridge.

To file in the registry of deeds a description of the land taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Worcester a description thereof sufficiently accurate for identification, and shall state the purpose for which it is taken. Any person or corporation injured in property by any of the acts of said corporation, under the provisions hereof, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

May establish water-rates.

SECTION 4. Said corporation may establish rates for the use of said water, and collect the same by suits or otherwise, and may make such contracts with the town of Sturbridge, or with individuals, to supply water for fire purposes and other uses, as may be agreed upon by said town or individuals and said corporation.

Real and personal estate.

Capital stock and shares.

SECTION 5. Said corporation, for the purposes aforesaid, may hold real and personal estate not exceeding in amount three thousand and five hundred dollars in value, and the capital stock shall not exceed four thousand dollars, to be divided into shares of fifty dollars each, and no liability shall be incurred by said corporation until twenty-five per cent. of its capital stock has been paid in, in cash.

Penalty for polluting or diverting water.

SECTION 6. Any person who takes without right, or wilfully or maliciously corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, pipes or other property owned or used by said corporation, for the purposes of this act, shall pay to said corporation three times the amount of actual damage to said corporation, to be recovered in an action of tort.

SECTION 7. This act shall take effect upon its passage.

Approved March 10, 1876.

Chap. 43. AN ACT TO AUTHORIZE THE SPRINGFIELD AND NEW LONDON RAILROAD COMPANY TO LEASE ITS RAILROAD AND MAKE CONTRACTS FOR OPERATING THE SAME.

Be it enacted, &c., as follows :

Springfield and New London Railroad Company may lease its road.

SECTION 1. The Springfield and New London Railroad Company may lease its road to the Connecticut Valley Railroad Company, or to the Connecticut Central Rail-

road Company, railroad corporations established in the state of Connecticut, or to any other railroad corporation whose tracks now or may hereafter connect with the tracks of said Springfield and New London Railroad Company, or of said Connecticut Central Railroad Company, upon such terms and for such time as the directors may agree and as may be approved by a majority in interest of all the stockholders of each corporation at meetings duly called for the purpose, and may make with any such corporation any contract for operating its road which may be agreed to by the directors, and approved by the stockholders in the manner herein before provided; subject, however, to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1876.

AN ACT CONCERNING THE TRUSTEES OF THE MUSEUM OF COMPARATIVE ZOOLOGY. *Chap. 44.*

Be it enacted, &c., as follows:

SECTION 1. The Trustees of the Museum of Comparative Zoölogy are authorized and empowered to convey all the property in their hands to the President and Fellows of Harvard College upon the same trusts upon which it is now held by said Trustees, and upon such other trusts not conflicting or inconsistent therewith as said corporations may agree upon; and the said President and Fellows of Harvard College are authorized to receive said property upon said trusts, and shall thereupon have all the powers and be subject to all the duties, in relation to the said property, given to and imposed upon the said Trustees by their act of incorporation and the acts in amendment thereof.

Trustees of Museum of Comparative Zoölogy may convey property to Harvard College.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1876.

AN ACT TO PRESERVE THE EEL FISHERIES IN EEL RIVER IN THE TOWN OF PLYMOUTH. *Chap. 45.*

Be it enacted, &c., as follows:

SECTION 1. Whoever takes, catches or destroys any eels in Eel River in the town of Plymouth, in the county of Plymouth, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than

Eel fisheries to be preserved.

one dollar, nor more than five dollars, one-half of said fine to be paid to the complainant.

Penalty for obstructing free passage of eels.

SECTION 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said river, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Recovery of Penalties.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved March 13, 1876.

Chap. 46. AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO BRIDGE BROAD NOOK.

Be it enacted, &c., as follows :

County commissioners may construct bridge across Broad Nook, in Barnstable.

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized to lay out and construct a bridge across Broad Nook, in the town of Barnstable, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1876.

Chap. 47. AN ACT IN RELATION TO TEXT-BOOKS IN THE PUBLIC SCHOOLS.

Be it enacted, &c., as follows :

Committee to direct what books shall be used in schools.

SECTION 1. The school committee shall direct what books shall be used in the public schools, and shall prescribe, as far as is practicable, a course of studies and exercises to be pursued in said schools.

May change books by two-thirds vote of whole committee.

SECTION 2. In any town or city in this Commonwealth, a change may be made in the school-books used in the public schools by a vote of two-thirds of the whole school committee thereof, at a meeting of said committee, notice of such intended change having been given at a previous meeting of said committee.

If books are changed, to be furnished at expense of town or city.

SECTION 3. If any change is made, as provided for in section second of this act, each pupil then belonging to the public schools and requiring the substituted book, shall be furnished with the same by the school committee, at the expense of said town or city.

Repeal of G. S. 38, § 28.
1863, 126.
1867, 155.
1873, 292.

SECTION 4. Section twenty-eight of chapter thirty-eight of the General Statutes, chapter one hundred and twenty-six of the acts of eighteen hundred and sixty-

three, chapter one hundred and fifty-five of the acts of eighteen hundred and sixty-seven, and chapter two hundred and ninety-two of the acts of eighteen hundred and seventy-three are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 14, 1876.

AN ACT TO CHANGE THE NAME OF THE SHELBURNE FALLS FIVE CENTS SAVINGS BANK. *Chap. 48.*

Be it enacted, &c., as follows:

SECTION 1. The Shelburne Falls Five Cents Savings Bank shall be called and known as the Shelburne Falls Savings Bank. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1876.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, RELATIVE TO THE SEINING OF FISH IN HUMMOCK POND ON THE ISLAND OF NANTUCKET. *Chap. 49.*

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and eighty of the acts of the year eighteen hundred and seventy-five is hereby amended, so as to allow the inhabitants of Nantucket to catch fish called alewives, or herring, with nets or seines, in the Hummock Pond in said Nantucket, south of the bridge, from March tenth to May thirty-first of each year inclusive. All fish caught in seines or nets, excepting alewives or herring, shall be immediately put back into said Hummock Pond. Any person violating the provisions of this act shall, on conviction, pay a fine according to section two of said chapter. Alewives and herring may be taken with seines in Hummock Pond, in Nantucket.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1876.

AN ACT CONCERNING THE OBSTRUCTIONS TO THE PASSAGE OF FISH IN THE TRIBUTARIES OF THE CONNECTICUT AND MERRIMACK RIVERS. *Chap. 50.*

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and twenty-two of the acts of the year eighteen hundred and sixty-nine, are hereby extended and shall apply to the tributaries of Obstructions to passage of fish in tributaries of Connecticut and Merrimack rivers.

the Connecticut and Merrimack rivers within this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1876.

Chap. 51. AN ACT TO RELIEVE THE COUNTY OF FRANKLIN FROM THE MAINTENANCE OF A BRIDGE NEAR THE MOUTH OF MILLER'S RIVER.

Be it enacted, &c., as follows:

Bridge to be kept in repair by Montague, Erving and Northfield.

SECTION 1. The towns of Montague, Erving and Northfield shall jointly maintain and keep in repair the bridge with its abutments, near the mouth of Miller's River, in the following proportions, viz.:—one-half shall be maintained by the town of Montague, the other half, equally by the towns of Northfield and Erving; and they shall be jointly liable, in said proportion, for all penalties and damages for neglect in keeping the same safe and convenient for public travel.

Towns to receive eight hundred dollars from county treasury.

SECTION 2. The commissioners of the county of Franklin shall pay to the towns of Montague, Erving and Northfield, from the treasury of said county, the sum of eight hundred dollars, to be divided between the towns aforesaid, in the same proportions as mentioned in section one of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1876.

Chap. 52. AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN, AND REGULATIONS RESPECTING THEM.

Be it enacted, &c., as follows:

Child under ten years not to be employed in manufacturing, etc., establishments.

SECTION 1. No child under the age of ten years shall be employed in any manufacturing, mechanical or mercantile establishment in this Commonwealth, and any parent or guardian who permits such employment, shall for such offence forfeit a sum of not less than twenty nor more than fifty dollars, for the use of the public schools of the city or town.

Child under fourteen years not to be so employed, unless attending school twenty weeks during the previous year.

SECTION 2. No child under the age of fourteen years shall be so employed, unless during the year next preceding such employment he has attended some public or private day school, under teachers approved by the school committee of the place where such school is kept, at least twenty weeks, which time may be divided into two terms, each of ten consecutive weeks, so far as the arrangements of school terms will allow; nor shall such employment

continue, unless such child shall attend school as herein provided, in each and every year; and no child shall be so employed who does not present a certificate, made by or under the direction of said school committee, of his compliance with the requirements of this act: *provided*, Proviso. *however*, that a regular attendance during the continuance of such employment in any school known as a half-time day school, or an attendance in any public or private day school, twenty weeks, as above stated, may be accepted by said school committee as a substitute for the attendance herein required.

SECTION 3. Every owner, superintendent or overseer in any establishment above named, who employs or permits to be employed, any child in violation of the second section of this act, and every parent or guardian who permits such employment, shall for such offence forfeit a sum not less than twenty nor more than fifty dollars for the use of the public schools of such city or town. Penalty on superintendents, overseers, parents and guardians.

SECTION 4. The truant officers shall, at least once in every school term, and as often as the school committee require, visit the establishments described by this act in their several cities and towns and inquire into the situation of the children employed therein, ascertain whether the provisions of this act are duly observed, and report all violations to the school committee. Truant officers to visit establishments, and report violations of this act.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

Approved March 16, 1876.

AN ACT TO CONFIRM CERTAIN LEASES AND AGREEMENTS BETWEEN THE SOMERVILLE HORSE RAILROAD COMPANY, THE MIDDLESEX RAILROAD COMPANY AND THE UNION RAILWAY COMPANY.

Chap. 53.

Be it enacted, &c., as follows:

An indenture of two parts made between the Somerville Horse Railroad Company and the Middlesex Railroad Company, dated on the first day of December in the year eighteen hundred and sixty-five, two indentures, each of two parts, between the Middlesex Railroad Company and the Union Railway Company, both dated on the first day of June in the year eighteen hundred and sixty-nine, a memorandum of agreement between the Somerville Horse Railroad Company, the Union Railway Company, and the Middlesex Railroad Company, dated on the tenth day of April in the year eighteen hundred and seventy-one, an indenture of two parts between the Somerville Horse Leases and agreements confirmed.

Railroad Company and the Middlesex Railroad Company, dated on the fifth day of January in the year eighteen hundred and seventy-six, and an indenture of two parts made between the Middlesex Railroad Company and the Union Railway Company, dated the first day of February in the year eighteen hundred and seventy-six, are hereby ratified, confirmed, and declared valid. All acts and proceedings heretofore done under and in accordance with said indentures, are hereby declared valid and legal.

Approved March 22, 1876.

Chap. 54. AN ACT IN ADDITION TO "AN ACT TO SUPPLY THE TOWN OF NEWTON WITH WATER."

Be it enacted, &c., as follows:

City of Newton may take lands in Needham and convey water therefrom.

SECTION 1. For the purposes stated in chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, and subject to the provisions of said act, the city of Newton is hereby authorized to take and hold, by purchase or otherwise, any lands within the town of Needham, not more than one thousand yards distant from Charles River, and lying between Kenrick's Bridge, so called, and the new bridge near Newton Upper Falls, and to convey water from the same to and into said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 55. AN ACT CONCERNING THE REBUILDING IN PART OF THE NEWBURYPORT AND SALISBURY BRIDGE.

Be it enacted, &c., as follows:

Newburyport and Salisbury may be indemnified in part for rebuilding bridge over Merrimack River.

SECTION 1. The county commissioners of the county of Essex may allow from the treasury of said county, to the city of Newburyport and to the town of Salisbury respectively, such a sum of money as they may think just and equitable, to indemnify them in part for the expense of rebuilding such portion of the Newburyport Bridge over the Merrimack River as has been rebuilt by reason of damages occasioned by the freshet in the winter of the year eighteen hundred and seventy-five: *provided*, that the sum so allowed to said city and town shall not exceed one-third of the amount which they have expended for the object aforesaid.

Proviso.

Commissioners may borrow money.

SECTION 2. The said commissioners, if need be, are hereby authorized to borrow money for the purpose of making said repairs.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1876.

AN ACT TO EXTEND THE CHARTER OF THE MERCANTILE WHARF CORPORATION IN THE CITY OF BOSTON. *Chap. 56.*

Be it enacted, &c., as follows:

The Mercantile Wharf Corporation in the city of Boston shall be and remain a body corporate after the expiration of its present charter, as fully as if no limitation in regard to time were contained therein, and shall continue to have the powers and privileges, and to be subject to the duties, liabilities and restrictions set forth in its charter and in all laws which now are or hereafter may be in force relating to such corporations.

Charter extended without limitation of time.

Approved March 22, 1876.

AN ACT TO CHANGE THE NAME OF THE EAST RANDOLPH CEMETERY CORPORATION. *Chap. 57.*

Be it enacted, &c., as follows:

SECTION 1. The name of the corporation heretofore known as the East Randolph Cemetery, is hereby changed to that of the Holbrook Union Cemetery.

Name changed to Holbrook Union Cemetery.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

AN ACT TO INCORPORATE THE GLADES ASSOCIATION.

Chap. 58.

Be it enacted, &c., as follows:

SECTION 1. John C. Sharp, Leverett Saltonstall and Frederic L. Ames, their associates and successors, are made a corporation for the term of twenty years from the date of the passage of this act, by the name of the Glades Association, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in general laws which now are or may hereafter be in force relative to such corporations, and with power to purchase and hold in fee simple all or any part of the lands, with the buildings thereon, at the Great Glades, so called, in the town of Scituate, which are now owned by the three first named persons or by any or either of them, not exceeding ninety acres in all.

Corporators.

Name and purpose.

SECTION 2. The said corporation shall have power to sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof, and to improve the same, to erect dwelling-houses and out-buildings thereon, to lay out streets and passage-ways through the same and otherwise use said property as natural persons may do.

May sell property, erect dwelling-houses, lay out streets, etc.

To hold no other lands than those mentioned.

SECTION 3. The said corporation shall have no power to purchase or hold any other lands than those above mentioned.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed one hundred thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 59. AN ACT FIXING THE RATE OF INTEREST ON UNPAID TAXES OF CORPORATIONS.

Be it enacted, &c., as follows :

Corporations to pay twelve per cent. interest upon taxes collected under 1865, 233, § 14.

The rate of interest which corporations shall pay upon taxes collected under the provisions of section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall be twelve per centum per annum until the same are paid.

Approved March 22, 1876.

Chap. 60. AN ACT RELATING TO APPEALS AND REMOVALS IN PROCEEDINGS BEFORE POLICE, MUNICIPAL AND DISTRICT COURTS.

Be it enacted, &c., as follows :

Appeals, etc., to superior court to be governed by 1862, 217, §§ 1, 2.

SECTION 1. The provisions of the first and second sections of chapter two hundred and seventeen of the acts of the year eighteen hundred and sixty-two shall apply to all appeals and removals to the superior court in any civil action or proceeding before any police, municipal or district court.

Justice to perform duties when there is no clerk of the court.

SECTION 2. The justice of any police, municipal or district court which has no clerk, shall perform all the duties required of clerks by the provisions of law referred to in the first section of this act.

Approved March 22, 1876.

Chap. 61. AN ACT RELATING TO SOLITARY IMPRISONMENT.

Be it enacted, &c., as follows :

Cell to be used for solitary imprisonment to be ventilated and furnished with suitable bedding, etc.

SECTION 1. It shall be the duty of the officers having custody and charge of prisoners in the several prisons, jails, workhouses and houses of correction in this Commonwealth, to provide that every cell therein which may be used as a place for solitary imprisonment shall be properly ventilated, and furnished with a form of boards not less than six and one-half feet in length and not less than eighteen inches in width, raised at least four inches from the floor, and provided with a sufficient amount of

bedding to protect the inmate from any unnecessary injury to health.

SECTION 2. It shall be the further duty of said officers at each of said institutions, to keep a book for the record of punishments by solitary imprisonment and to record therein each such punishment as follows; Name and number, or other sufficient designation of the person punished; the day and hour when put in "solitary"; the day and hour when released; the offence; and such remarks as may be necessary to complete the record.

Records to be kept, of punishments by solitary confinement.

SECTION 3. It shall be the duty of the prison commissioners to examine whether the provisions of this act are complied with in the several jails, workhouses and houses of correction of the Commonwealth.

Prison commissioners to examine whether provisions are complied with.

SECTION 4. Chapter one hundred and forty-three of the acts of the year eighteen hundred and seventy-three, is hereby repealed.

Repeal of 1873, 143.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1876.

AN ACT TO AUTHORIZE THE COMMISSIONERS ON INLAND FISHERIES TO OCCUPY GREAT PONDS FOR THE CULTIVATION AND DISTRIBUTION OF USEFUL FISHES.

Chap. 62.

Be it enacted, &c., as follows:

SECTION 1. The commissioners on inland fisheries, as such commissioners, are hereby authorized to occupy, manage and control any great ponds within the limits of the Commonwealth, not exceeding six in number, and not then subject to lease from them, for the purpose of cultivating useful fishes and of distributing the same within the Commonwealth, subject to the restrictions and limitations contained in chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine as to leased ponds.

Commissioners may control great ponds, etc., for cultivation of useful fishes.
1869, 384.

SECTION 2. Whenever said commissioners shall determine so to occupy and improve any such pond, they shall post a notice of such purpose in some public place in the town or towns in which said pond is located, and shall file a like notice in the office of the town clerk of said town or towns, and in the office of the secretary of state; and the affidavit of any officer qualified to serve civil process that said notice has been posted shall be deemed full proof of the same.

To post and file notices before occupying and improving pond.

SECTION 3. From and after the time when said notice shall have been filed and posted as above, said commissioners shall have all the rights in respect to said pond as

To have same rights in pond as are secured to lessees of ponds.

Penalties.

are secured to lessees of ponds from said commissioners ; and any violation of any of said rights shall be subject to the penalties imposed by section nineteen of said chapter.

SECTION 4. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 63.

Penalty for injuring electric signals on railroads.

AN ACT FOR THE PROTECTION OF ELECTRIC SIGNALS ON RAILROADS.

Be it enacted, &c., as follows :

Whoever unlawfully and intentionally injures, molests or destroys any of the electric signals of a railroad corporation or any of the lines, wires, posts or any other structure or mechanism used in connection with such signals on any railroad, or destroys, or in any way interferes with, the proper working of such signals, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or both.

Approved March 22, 1876.

Chap. 64.

Time extended for laying out park and establishing reservoir in Worcester.

AN ACT TO EXTEND THE TIME AUTHORIZING THE CITY OF WORCESTER TO LAY OUT A PUBLIC PARK, AND TO ESTABLISH AND MAINTAIN A RESERVOIR.

Be it enacted, &c., as follows :

SECTION 1. The time for taking and holding land in accordance with the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three, is extended to the fifteenth day of April in the year eighteen hundred and seventy-seven.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 65.

Public urinals may be maintained in Boston by vote of city council.

AN ACT RELATING TO PUBLIC URINALS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston, by vote of its city council, shall have power to erect and maintain urinals for public use in any street, way, court, public square, common, or common lands in said city, and likewise in the public garden, so called, lying to the eastward of Arlington Street therein. And any owner of land who suffers any injury in his property by reason of the construction of any urinal as aforesaid, may, at any time within one year after the construction is commenced, apply to the superior court for Suffolk County for assessment of his damages by a jury, and have his damages ascertained in the manner provided where land is taken in laying out highways.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

AN ACT FOR PROCURING AN ADDITIONAL SUPPLY OF PURE WATER
FOR THE USE OF THE CITY OF WORCESTER.

Chap. 66.

Be it enacted, &c., as follows :

SECTION 1. The city of Worcester is hereby authorized to acquire and hold by purchase, or to take and hold and convey into the Hunt reservoir, for the use of the city, the waters of Parson's Brook, so called, in said city, and any waters that may flow into the same, and to acquire and hold by purchase, or take and hold any lands or estates necessary for the laying out and maintaining an aqueduct or conduit, for conducting said waters to said reservoir, or for forming and maintaining reservoirs, and may take and hold land not exceeding five rods in width around the margin of any water-courses or reservoirs they may possess or create in the valley of said brook, for the purpose of supplying said city with pure water.

City of Worcester may take water from Parson's Brook.

May take land for maintaining aqueduct, etc.

SECTION 2. The said city shall, within sixty days from the time its city council shall vote to take any lands, ponds or waters by authority of this act, file in the office of the registry of deeds for the county of Worcester, a description of the lands, ponds or waters so taken, as certain as is required in a common conveyance of lands, and a statement of the purpose for which the same are taken, which description and statement shall be signed by the mayor of said city, and the property so taken shall vest in said city from the time of the filing of said description and statement.

To file in registry of deeds a description of land, etc., taken.

SECTION 3. The city of Worcester shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water or water-rights as aforesaid, or by the constructing of any aqueducts, reservoirs or other works by authority of this act. Said damages may be recovered and paid in the manner provided in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one.

Liability for damages.

SECTION 4. The provisions of section six of said chapter shall apply to all land, water and water-rights purchased or taken, and to all works constructed under this act.

Provisions of 1871, 561, § 6, to apply.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 67. AN ACT TO AUTHORIZE THE PILGRIM EVANGELICAL SOCIETY IN SOUTHBOROUGH TO HOLD REAL ESTATE FOR PARSONAGE PURPOSES.

Be it enacted, &c., as follows :

\$10,000 additional real estate.

SECTION 1. The Pilgrim Evangelical Society in Southborough is hereby authorized to hold real estate for parsonage purposes, to an amount not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1876.

Chap. 68. AN ACT TO INCORPORATE THE BOSTON SUGAR WAREHOUSING COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Andrew S. Tozier, Benjamin F. Burgess and Elisha Atkins, their associates and successors, are hereby made a corporation by the name of the Boston Sugar Warehousing Company, for the purpose of receiving and storing in bond, or otherwise, sugar, molasses and other bulky articles of merchandise coming to the port of Boston for sale or manufacture ; and the said corporation is hereby authorized to purchase and hold in fee simple, or to lease personal and real estate sufficient for these purposes in that part of Boston known as South Boston.

Capital stock and shares.

SECTION 2. The capital stock of the said corporation shall not exceed three million dollars, and shall be divided into shares of the par value of one hundred dollars each : *provided*, that the said corporation shall not commence business until one million two hundred thousand dollars of the capital stock shall have been paid in.

Powers and duties.

SECTION 3. The said corporation shall have all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities set forth in all the general laws which are now or hereafter may be in force relating to all corporations organized under general laws.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1876.

Chap. 69. AN ACT FOR THE BETTER PROTECTION OF LIFE IN BUILDINGS OCCUPIED FOR PUBLIC PURPOSES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Churches, school-houses, etc., reported to be deficient in modes of egress

SECTION 1. Whenever it shall be reported to the inspector of buildings of the city of Boston, that any church, theatre, hall or other building or structure, used or

intended to be used temporarily or permanently for any public purpose, or any school-house or school-room public or private, within the city of Boston, is deficient in proper facilities of egress in case of fire or accident, either in the number, width, construction or arrangement of the entrances, aisles, passageways or stairways, or by reason of inner doors opening inward, or from any other cause whatever, arising from the manner of construction or repair of the premises, it shall be the duty of the said inspector of buildings to inspect the same, and if, in his judgment, they are so deficient, he shall notify the owner or owners, occupant, lessee or other person having charge thereof, and require of him or them such increased facilities of egress, as in the judgment of the inspector, the security of the public in life and limb, in case of fire or accident may require. The person or persons so notified shall be allowed forty-eight hours from the time of the service of the notice to begin the alterations required by the notice; and he or they shall employ sufficient labor to accomplish the same as expeditiously as may be. If he or they shall refuse or neglect to comply with the requirements of said notice as aforesaid, then a survey of the premises shall be made in the manner set forth in the thirteenth section of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and seventy-three. Upon the report of the board of survey, if the same shall declare that said premises are deficient in proper facilities of egress in case of fire or accident, and upon the continued neglect or refusal of the owner or owners, occupant, lessee or other person having charge thereof, to provide the requisite increased facilities of egress, then it shall be lawful for the supreme judicial court to issue an injunction forbidding or limiting the use of the premises in such manner as the safety of the public or of persons using the same may require. Such owner or owners, occupant, lessee or other person having charge of the premises, shall likewise be liable to a penalty of not less than ten dollars nor more than fifty dollars, for every day's continuance of neglect or refusal to comply with the original notice of the inspector of buildings, to be recovered by the city of Boston in an action of tort.

in case of fire, to be examined by inspector of buildings.

Owner or occupant to make alterations when notified by inspector.

Supreme judicial court may enjoin owners, etc., from using premises, upon a report of a board of survey.

Penalty for neglecting to make necessary alterations.

SECTION 2. Whenever it shall appear to the inspector of buildings of the city of Boston that in any of the buildings or structures, or portions thereof, mentioned in the

Combustible materials in buildings, and obstructions in passageways to

be made safe,
upon order of
the inspector.

foregoing section, the security of the public is either temporarily or permanently endangered by the use of combustible stuff or materials, or that benches, chairs, stools or other obstructions, are either temporarily or permanently placed in the aisles or passageways thereof, in such a manner as to prevent free egress in case of fire or accident, during the time when the same may be opened to the public, or that benches, chairs or settees are either temporarily or permanently so arranged as not to afford proper passage between them and sufficient egress in case of fire or accident, or that outer doors opening inward are not kept open when such buildings or structures are used by the public, the said inspector shall notify the owner or owners, lessee, occupant or other person having charge of the premises, and require him or them to make the premises safe, and if he or they shall refuse or neglect to do so, he or they shall be liable to a penalty of not less than fifty dollars nor more than five hundred dollars, for each offence, to be recovered by the city of Boston in an action of tort.

Penalty for neglect.

Outer doors opening inward, to be kept open while buildings are used by the public.

SECTION 3. All outer doors of buildings and structures mentioned in section one of this act, shall be kept open when such buildings or structures are used by the public, unless such doors open outwards and except that fly-doors opening both ways, may be kept closed. All inner doors of such buildings and structures shall be made so as to open outwards.

Repeal of 1871, 280, § 60.

SECTION 4. Section sixty of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 28, 1876.

Chap. 70. AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF LAWRENCE WITH WATER.

Be it enacted, &c., as follows:

City of Lawrence Water Loan, \$100,000 additional.

SECTION 1. The city of Lawrence is authorized to issue from time to time notes, scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Lawrence Water Loan," to an amount not exceeding one hundred thousand dollars, in addition to the amount authorized by chapter seventy-nine of the acts of the year eighteen hundred and seventy-two and chapter sixty-seven of the acts of the year eighteen hundred and seventy-five; and the provisions of section nine of said chapter seventy-

nine, shall be applicable to the issue provided by this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

AN ACT IN RELATION TO PERPETUATING EVIDENCE OF NOTICES OF APPOINTMENT AND SALE OF REAL ESTATE BY EXECUTORS AND ADMINISTRATORS.

Chap. 71.

Be it enacted, &c., as follows :

SECTION 1. When it appears that either of the affidavits provided for by section two of chapter ninety-seven or section sixteen of chapter one hundred and two of the General Statutes has not been made, any person who shall, upon petition to the probate court, furnish satisfactory evidence that the notice was given as ordered, may be permitted to make such affidavit, and the same, when filed and recorded, with a copy of the notice, in the probate office, shall be admitted as evidence of the time, place and manner in which the notice was given.

Affidavits not made under Gen. Stats. 97, § 2, and 102, § 16, may be subsequently permitted to be made.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

AN ACT IN RELATION TO THE EXPENDITURES OF THE AGENT FOR DISCHARGED CONVICTS.

Chap. 72.

Be it enacted, &c., as follows :

SECTION 1. Section one of chapter three hundred and two of the acts of eighteen hundred and seventy-one, entitled "An Act to increase the expenditures and compensation of the agent for discharged convicts," is hereby amended so that the amount authorized to be expended shall be three thousand dollars annually.

Compensation and expenditures of agent for discharged convicts, increased.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

AN ACT IN RELATION TO THE CROSSING OF RAILROADS BY HIGHWAYS AT GRADE.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. No highway or town-way shall hereafter be laid out across a railroad at a level therewith, nor shall any railroad be laid out and constructed across a highway or town-way at a level therewith without the consent in writing of the board of railroad commissioners in addition to the authority of the county commissioners as now required.

Railroads and highways not to cross each other at grade, without consent of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

Chap. 74. AN ACT TO REGULATE COSTS UPON MOTIONS FOR NEW TRIAL.*Be it enacted, &c., as follows:*Taxation of
costs in motion
for a new trial.

In all cases in which a motion for a new trial shall be hereafter made, the court may in its discretion impose upon the moving party whose motion is not sustained, such sum to be taxed in the costs of the suit as it shall deem proper.

*Approved March 28, 1876.***Chap. 75.** AN ACT TO INCORPORATE THE OWNERS OF MEADOW LANDS LYING ON NEPONSET RIVER.*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. The owners of the meadow lands lying on each side of Neponset River, in the towns of Sharon, Canton, Milton, Norwood, Dedham and Hyde Park, in the county of Norfolk, included between two parallel lines, the lower and north-easterly line crossing said river at Paul's Bridge, so called, at right angles with said river at said point, and the upper and south-westerly line crossing Tadpole Brook, so called, a tributary of said river, at the point where said brook meets the north-easterly dividing line between said towns of Norwood and Sharon, excepting that part of said lands known as the Common Field, in Purgatory Meadow, are hereby made a corporation by the name of The Neponset Meadow Company, with power to drain and improve said meadows from time to time for the purpose of saving the grass growing thereon, and improving the quality thereof, with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations. Said corporation may sue and be sued by its corporate name, and shall have power to prosecute and maintain complaints under chapter one hundred and forty-nine of the General Statutes.

Name and pur-
pose.Powers and
duties.First meeting of
owners of
meadow lands.

SECTION 2. Any justice of the peace, upon application in writing from ten or more of said owners, shall issue his warrant to one of the owners aforesaid, requiring him to notify and warn a meeting of said owners, for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in each of said towns, and by publishing the same once each week, for three successive weeks, in some newspaper published in one of said towns, said posting and said publication to be at least fourteen days before said meeting; and said owners, when

legally assembled as aforesaid, may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment, as town officers of the like description.

SECTION 3. In addition to the powers already granted, said corporation shall have power to remove grass, weeds and other natural obstructions, and all illegal obstructions in said Neponset River and its tributaries, whereby the drainage of their said meadow lands is obstructed or prevented, and to vote and raise moneys for said purposes, and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid, shall be assessed upon each proprietor in said meadows, according to the number of acres owned by him, and the benefits likely to be received; and any owner who is aggrieved by the amount of the tax levied on his land, may at any time within thirty days after said assessment, appeal to the county commissioners for said county of Norfolk, who shall have power to reduce or increase the amount of said tax, and to make the same as said corporation should have made it, under the provisions of this bill; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same, together with costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person, nor the sale of any property except said meadow lands: *provided*, that this act shall not take effect until the owners of three-quarters of all of the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners, that, in their belief, the owners of three-quarters of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary, that such alleged acceptance has been so filed, shall be *prima facie* evidence of such acceptance.

May remove obstructions from Neponset River.

Money to be raised to be assessed upon proprietors.

Penalty for neglect to pay assessment.

Proviso.

Approved March 28, 1876.

- Chap. 76.* AN ACT TO AMEND SECTION TWO OF CHAPTER NINETY-SEVEN, AND SECTION SIXTEEN OF CHAPTER ONE HUNDRED AND TWO OF THE GENERAL STATUTES RELATING TO THE FILING OF AFFIDAVITS OF EXECUTORS AND ADMINISTRATORS.

Be it enacted, &c., as follows :

Amendment to
G. S. 97, § 2.
G. S. 102, § 16.

SECTION 1. Section two of chapter ninety-seven and section sixteen of chapter one hundred and two of the General Statutes, are hereby amended by striking out from said sections the words "petition of the executor or administrator and," and by inserting in said sections the word "being" between the words "evidence" and "furnished."

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1876.

- Chap. 77.* AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO ISSUE ADDITIONAL WATER SCRIP, AND TO LIMIT THE AMOUNT THEREOF.

Be it enacted, &c., as follows :

May issue additional water scrip; whole amount not to exceed \$300,000.

SECTION 1. The town of Arlington, for the purposes mentioned in the eighth section of chapter two hundred and forty-two of the acts of the year eighteen hundred and seventy-three, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Arlington Water Scrip," to an amount not exceeding one hundred thousand dollars, in addition to the amount authorized by the first section of chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-four, to be issued upon like terms and conditions and with like powers in all respects as are provided in said acts for the issue of "Arlington Water Scrip," by said town: *provided*, that the whole amount of such water scrip, bonds, notes or certificates issued by said town under the authority given by this act and by all other acts, shall not in any event exceed the amount of three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1876.

- Chap. 78.* AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR-MASTER FOR THE PORT OF SALEM.

Be it enacted, &c., as follows :

Harbor-master may be appointed.

SECTION 1. The board of mayor and aldermen of the city of Salem may appoint a harbor-master for the port of Salem, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his

office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

To give bonds.

May appoint a deputy.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of said harbor-master.

Vessels to be anchored under direction of harbor-master.

SECTION 3. Every vessel, before unloading lumber in the stream, shall get a permit from said harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To get a permit from harbor-master before unloading.

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by said harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

To brace yards, etc., when directed.

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his directions, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by said harbor-master to the use of the said city, in an action of contract.

To be moved in harbor according to directions of harbor-master.

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Gravel, etc., not to be deposited in harbor.

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Channel not to be obstructed by warps or lines.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by said harbor-

Vessels to change berths when directed.

master, said harbor-master shall then cause such vessel to be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by said harbor-master, to the use of said city, in an action of contract.

To be stationed in stream as harbor-master may order.

SECTION 9. Said harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for disobeying instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Liability for damages.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Masters of vessels to be furnished with copy of this act.

SECTION 12. It shall be the duty of said harbor-master to place in the hands of the master of every vessel arriving at the port of Salem, a copy of this act.

SECTION 13. This act shall take effect upon its passage.

Approved March 30, 1876.

Chap. 79. AN ACT TO AUTHORIZE, IN CERTAIN CASES, THE MORTGAGE OF REAL ESTATE HELD BY EXECUTORS AND OTHERS.

Be it enacted, &c., as follows:

Executors, etc., may be authorized to mortgage real estate for payment of debts, etc.

SECTION 1. The court having jurisdiction of the estate of any deceased person, when it shall appear to the court to be for the interest of the estate, may on petition, notice (unless dispensed with by law) and hearing, authorize the executors and administrators with the will annexed to mortgage the real estate of the testator, or any part thereof, for the purpose of paying debts, legacies and charges of administration, or of paying any lien or mortgage on such estate, or any part thereof, or to make an agreement for the extension or renewal of any mortgage already subsisting thereon.

Court to prescribe maximum rate of interest, and may order principal to be

SECTION 2. In such case the court shall prescribe the maximum rate of interest, and may order the whole or any part of the principal of the mortgage to be paid, from time

to time, out of the income of the estate mortgaged, and may further order the executor or administrator with the will annexed to give bonds, unless exempted therefrom by the laws relating to the giving of bonds in like cases. paid from income of estate.

SECTION 3. A mortgage so made may contain a power of sale. Power of sale.

SECTION 4. A mortgage made under license of court by an executor or administrator with the will annexed, shall set forth that it is so made, and the date of the license. Mortgage to set forth that it was made under license.

SECTION 5. Chapter one hundred and fifty-one of the acts of the year eighteen hundred and seventy-five is hereby repealed. Repeal of 1875, 151.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1876.

AN ACT CONCERNING APPOINTMENTS BY THE MAYOR AND ALDERMEN IN CITIES.

Chap. 80.

Be it enacted, &c., as follows :

In all cases in which appointments are directed to be made by the mayor and aldermen in any city of the Commonwealth, the mayor shall have the exclusive power of nomination, being subject however, to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected it shall be the duty of the mayor to make another nomination within a month from the time of such rejection. Mayor to have power of nomination, subject to confirmation, etc., by board of aldermen.

Approved March 30, 1876.

AN ACT TO EXTEND THE TIME FOR BUILDING THE SQUANTUM FREE BRIDGE.

Chap. 81.

Be it enacted, &c., as follows :

The time fixed in section four of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and seventy-three, for commencing and completing the Squantum Free Bridge, is hereby extended three years. Time for commencing and completing, extended.

Approved March 30, 1876.

AN ACT TO INCORPORATE THE NEW BEDFORD MARINE INSURANCE COMPANY.

Chap. 82.

Be it enacted, &c., as follows :

SECTION 1. Samuel H. Cook, Jireh Swift, Jonathan Bourne, junior, their associates and successors, are hereby made a corporation by the name of the New Bedford Marine Insurance Company, in the city of New Bedford, for the purpose of making insurance against maritime Corporators.

Name and purpose.

Powers and duties.

losses ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, which said stock may be increased at any time to two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1876.

Chap. 83.

AN ACT RELATING TO RECEIVERS OF INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Accounts of receivers to be referred to insurance commissioner.

SECTION 1. All accounts rendered to the supreme judicial court by receivers of insurance companies, appointed under the provisions of chapters fifty-eight or sixty-eight of the General Statutes, shall be referred to the insurance commissioner, who shall carefully examine the same and report thereon to the court.

Result of examinations to be included in commissioner's report.

SECTION 2. The insurance commissioner shall, by himself or by his deputy, during the year eighteen hundred and seventy-six, and at least once in every year thereafter, and as much oftener as he may deem expedient, examine the accounts and doings of all receivers mentioned in section one of this act, and shall include in his annual report to the legislature the result of such examinations.

Commissioner to have access to books and papers.

SECTION 3. For the purposes aforesaid, the commissioner or his deputy shall have free access to the books and papers relating to the transactions of such receivers in their offices of receivership, and may examine, under oath, such receivers relative to such transactions.

To certify facts to supreme judicial court, when receiver has violated his duty.

SECTION 4. When, in the opinion of said commissioner, any such receiver has violated his duty in his office of receivership, or further proceedings on the part of the receivers to collect an assessment will not offer substantial relief to the creditors, he shall forthwith certify the facts to the supreme judicial court.

Repeal of 1864, 308.

SECTION 5. Chapter three hundred and eight of the acts of the year eighteen hundred and sixty-four, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1876.

AN ACT CONCERNING RELIGIOUS SOCIETIES.

Chap. 84.

Be it enacted, &c., as follows :

SECTION 1. Any religious society established under a special act of incorporation, shall have the powers set forth in section thirty of chapter thirty of the General Statutes, anything contained in the act of incorporation, or any act in amendment thereof, or in section one of said chapter, to the contrary notwithstanding.

Societies established under special acts, may raise money to rebuild house, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1876.

AN ACT TO SUPPRESS EXHIBITIONS OF THE FIGHTING OF BIRDS, DOGS AND OTHER ANIMALS.

Chap. 85.

Be it enacted, &c., as follows :

SECTION 1. When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that the complainant believes and has reasonable cause to believe that preparations are being made for an exhibition of the fighting of birds, dogs or other animals, or that an exhibition of the fighting of birds, dogs or other animals is in progress, or that birds, dogs or other animals are kept or trained for fighting, at any place or in any building or tenement, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search-warrant authorizing any sheriff, deputy-sheriff, state detective, constable or police officer to search such place, building or tenement, at any hour of the day or night, and take possession of the birds, dogs or other animals engaged in fighting, and of all birds, dogs or other animals there found and kept, trained or intended to be used or engaged in fighting, and to arrest all persons there present at an exhibition of the fighting of birds, dogs or other animals, or where preparations for such an exhibition are being made, or where birds, dogs or other animals are kept or trained for fighting.

Search-warrant may be issued to search premises where dogs, etc., are kept for fighting.

SECTION 2. Any officer authorized to serve criminal process may, without a warrant, enter any place, building or tenement where there is an exhibition of the fighting of birds, dogs or other animals, or where preparations are being made for such an exhibition, and arrest all persons there present and take possession of and remove from the place of seizure, the birds, dogs or other animals engaged in fighting, and all birds, dogs or other animals there

Building may be entered without a warrant, where there is an exhibition of fighting animals.

found and intended to be used or engaged in fighting, or kept or trained for fighting, and hold the same in custody subject to the order of court as hereinafter provided.

Persons arrested and imprisoned to be brought before court within twenty-four hours.

SECTION 3. All persons arrested under the provisions of either of the two preceding sections, shall be kept in jail or other convenient place not more than twenty-four hours, exclusive of Sundays and legal holidays, at or before the expiration of which time, such persons shall be brought before a justice of the peace, a police, municipal or district court, and proceeded against according to law.

Decree of forfeiture to be entered, if animals are kept for fighting.

SECTION 4. After the seizure and removal of any birds, dogs or other animals, as provided in either of the first two sections of this act, application shall be made to a justice of the peace, a police, municipal or district court for a decree of forfeiture of the same, and if upon the hearing of such application, notice thereof having been previously given as such justice or court shall order, it shall be found and adjudged that said birds, dogs or other animals, or any of the same, at the time of such seizure were engaged in fighting at an exhibition thereof, or were owned, kept, possessed or trained by any person with the intent that the same should be so engaged, all such birds, dogs or other animals so found and adjudged to have been so engaged or kept, owned, trained or intended for such purpose and with such intent, shall be adjudged forfeit, and such justice or court shall thereupon enter a decree of forfeiture of the same. The said justice or court, except an appeal be taken as hereinafter provided, shall issue an order for the killing of such birds, dogs or other animals adjudged forfeit as aforesaid, directed to any officer authorized to serve criminal process, and the officer receiving said order shall kill or cause the same to be killed within twenty-four hours thereafter. Any birds, dogs or other animals seized as herein before provided, not adjudged forfeit, shall be delivered to the owner or to the person entitled to the possession thereof. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.

Birds and animals to be killed.

Owner or claimant may appeal to superior court.

SECTION 5. Any owner or claimant aggrieved by any decree of such justice or court, may within twenty-four hours after the entry of such decree and before execution thereof, appeal therefrom to the superior court then next to be held in the county; and all proceedings upon and after such appeal, including the right of exception, shall

be conformable, so far as may be, to those in criminal cases, except that before any such appeal is allowed the appellant shall recognize to the Commonwealth in the sum of two hundred dollars with good and sufficient sureties, to prosecute his appeal at the court appealed to and to pay all such costs as may thereafter arise, and all such expenses as may be thereafter incurred in the care and keeping of the birds, dogs or other animals claimed by such appellant, in case final judgment is rendered against the same, and to abide the judgment of the court thereon. Upon the final judgment the birds, dogs or other animals held in custody to abide such judgment, shall be disposed of under the direction of the superior court, in like manner as the justice of the peace, police, municipal or district court might have disposed of the same, if no appeal had been taken. During the pendency of the appeal all birds, dogs or other animals that may have been adjudged forfeit, shall be kept in custody in some place other than that from which they were taken.

To recognize, with sureties, to prosecute his appeal.

SECTION 6. The necessary expenses incurred in the care and destruction of such birds, dogs and other animals, may be allowed and paid in the same manner that costs in criminal prosecutions are paid.

Expenses of care, etc., of birds.

SECTION 7. Whoever owns, possesses, keeps or trains any bird, dog or other animal, with the intent that such bird, dog or other animal shall be engaged in an exhibition of fighting, or whoever establishes or promotes an exhibition of the fighting of birds, dogs or other animals, shall be punished by fine not exceeding two hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

Penalties on keeper or owner of animals, etc.

SECTION 8. Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in, or contributes to, such an exhibition, shall be punished by fine not exceeding twenty-five dollars, or by imprisonment in jail not exceeding thirty days, or by both such fine and imprisonment.

Penalty for being present at an exhibition of fighting animals.

SECTION 9. Section seventy-nine of chapter eighty-eight of the General Statutes, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and sixty-nine, are hereby repealed, and the provisions of chapter two hundred and forty-two of the acts of the year

Repeal of G. S. ss. § 79. 1869, 435.

Provisions of 1870, 242, not to apply.

Proviso. eighteen hundred and seventy shall not apply to proceedings under this act: *provided*, that nothing herein contained shall affect any prosecution now pending, or any penalty or forfeiture already incurred.

Approved March 30, 1876.

Chap. 86. AN ACT TO INCORPORATE THE BOSTON WIDOWS' AND ORPHANS' ASSOCIATION.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Patrick Ward, Joseph Joyce, James O'Day, Austin Cannon, Patrick Clark, Peter Sheeran and M. J. Dunn, their associates and successors, are hereby made a

Name and purpose. corporation by the name of the Boston Widows' and Orphans' Association, for the purpose of rendering assistance to the sick, wounded and disabled members of said association, and the families of deceased members thereof, and of providing for the decent burial of the dead; with all

Powers and duties. the powers and privileges, and subject to all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations: *provided*, that said corporation shall not be

Proviso. subject to the laws relating to life insurance companies, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said association under the by-laws thereof, or under the provisions of this act.

Real and personal estate. SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

Chap. 87. AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE BALDWIN PLACE HOME FOR LITTLE WANDERERS.

Be it enacted, &c., as follows:

§200,000 additional real and personal estate. SECTION 1. The Baldwin Place Home for Little Wanderers, which was incorporated by chapter ninety-eight of the acts of the year eighteen hundred and sixty-five, may take and hold real and personal property to an amount not exceeding two hundred thousand dollars in addition to the amount permitted by the above act.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1876.

AN ACT TO REGULATE THE ASSESSMENT OF POLL-TAXES.

*Chap. 88.**Be it enacted, &c., as follows:*

SECTION 1. The entire poll-tax assessed upon an individual in one year for town, county and state purposes, including highway taxes, shall not exceed two dollars.

Poll-tax, including highway taxes, not to exceed two dollars.

SECTION 2. Chapter one hundred and fifty-eight of the acts of the year eighteen hundred and sixty-two is hereby repealed.

Repeal of 1862, 158.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

AN ACT TO FACILITATE THE ASSIGNMENT OF DOWER.

*Chap. 89.**Be it enacted, &c., as follows:*

Section three of chapter ninety of the General Statutes is hereby amended by inserting after the words "is settled," in the fifth line, the following; "upon petition by her, or if such widow neglects or omits to petition or make demand of her dower within one year from the decease of her husband, by the heirs or devisees of her husband, or any of them, or by any person having any estate in the lands subject to dower, or by the guardian of any such heirs, devisees or persons having said estate"; and section four of the same chapter is hereby amended by inserting after the words "by her" at the end of the second line, as follows: "or by any person entitled to petition for assignment of dower."

Assignment of dower.
Amendment to G. S. 90, § 3.*Approved April 4, 1876.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL PURPOSES.

*Chap. 90.**Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be paid out of the moiety of the income of the school fund applicable to educational purposes, to wit:—

Appropriations.

For the support of normal schools, including the normal art-school, a sum not exceeding seventy-six thousand dollars.

Normal schools.

For teachers' institutes, a sum not exceeding three thousand dollars, to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

For the Massachusetts Teachers' Association, three hundred dollars.

Mass. Teachers' Association.

Appropriations.	SECTION 2. The sums hereinafter mentioned in this section, are appropriated and shall be paid from the treasury of the Commonwealth, to wit :—
Board of education, expenses.	For expenses of the members of the board of education, a sum not exceeding three hundred dollars.
County teachers' associations.	For county teachers' associations, a sum not exceeding three hundred dollars.
Board of education, postage, etc.	For postage, printing, stationery, advertising, transportation of documents for the board of education and the secretary thereof, a sum not exceeding four thousand dollars.
Board of education, printing reports.	For printing the annual and supplementary reports of the board of education with the accompanying documents, a sum not exceeding ten thousand dollars.
Salaries of agents.	For salaries of agents of the board of education, a sum not exceeding eighteen thousand dollars.
Asylum for the blind.	For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.
Beneficiaries in asylums for the deaf and dumb.	For the support of Massachusetts beneficiaries in the asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding thirty thousand dollars.
Rogers book fund.	SECTION 3. The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of eighteen hundred and fifty-seven.
Todd Normal School fund.	The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied by said board in accordance with chapter thirty-six of the General Statutes.
Agricultural College fund.	The income of the agricultural college fund shall be paid in accordance with the provisions of chapters one hundred and eighty-six and two hundred and twenty of the acts of eighteen hundred and sixty-three.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1876.

Chap. 91. AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSE, THE STATE PRIMARY SCHOOL AT MONSON, THE STATE PRISON, THE REFORM SCHOOL AT WESTBOROUGH, THE INDUSTRIAL SCHOOL AT LANCASTER, THE BRIDGEWATER WORKHOUSE, THE STATE DETECTIVE FORCE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise

ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and seventy-six, to wit:—

CHARITABLE.

For the payment of salaries at the state almshouse at Tewksbury, a sum not exceeding sixteen thousand dollars; and for other current expenses of said institution, a sum not exceeding seventy-six thousand dollars.

State almshouse, Tewksbury.

For the payment of salaries at the state primary school at Monson, a sum not exceeding twelve thousand three hundred dollars, and for other current expenses of said institution, a sum not exceeding thirty-two thousand seven hundred dollars.

State primary school, Monson.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

General agent's expenses.

For expenses of the secretary of the board of state charities, a sum not exceeding one thousand dollars.

Secretary's expenses.

For contingent expenses of the visiting agent of the board of state charities, a sum not exceeding three thousand dollars.

Visiting agent's expenses.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars.

Travelling expenses.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety-five thousand dollars.

Lunatic paupers in hospitals.

For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars; the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, and chapter twelve of the acts of the year eighteen hundred and sixty-nine.

Support of state paupers by cities and towns.

For the burial of state paupers, a sum not exceeding five thousand dollars.

Burial of state paupers.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of persons confined as lunatics in eighteen hundred and seventy-six, a sum not exceeding two thousand dollars.

Cases of settlement, etc.

For the reimbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding one thousand dollars.

Transportation of state paupers.

For the reimbursement of the Massachusetts infant asy-

Infant asylum.

lum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding five thousand dollars.

Indian state paupers.

For the support of Indian state paupers, a sum not exceeding five hundred dollars.

Pauper convicts.

For the support of pauper convicts, a sum not exceeding five hundred dollars.

Johonnot annuities.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand three hundred dollars.

Annuities.

For other annuities, a sum not exceeding one thousand two hundred dollars.

Pensions.

For pensions, a sum not exceeding seven hundred and sixteen dollars.

Idiotic and feeble-minded youth.

For the Massachusetts school for idiotic and feeble-minded youth, a sum not exceeding seventeen thousand five hundred dollars.

Dangerous diseases.

For expenses incurred under chapter one hundred and twenty-one of the acts of the year eighteen hundred and seventy-four, relating to small-pox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars.

REFORMATORY AND CORRECTIONAL.

State detective force.

For the salary of the chief of the state detective force, two thousand five hundred dollars; for the compensation of the detectives, a sum not exceeding twenty thousand dollars; for travelling expenses actually paid by said detectives, a sum not exceeding five thousand dollars, and for incidental and contingent expenses, a sum not exceeding five thousand dollars.

State prison.

For the payment of salaries at the state prison, a sum not exceeding fifty thousand dollars, and for other current expenses of said institution, a sum not exceeding ninety-five thousand dollars.

State reform school.

For the payment of salaries at the state reform school at Westborough, a sum not exceeding nineteen thousand dollars, and for other current expenses of said institution, a sum not exceeding thirty-four thousand dollars.

Industrial school.

For the payment of salaries at the industrial school for girls at Lancaster, a sum not exceeding six thousand dollars; and for other current expenses of said institution, a

sum not exceeding twenty-two thousand three hundred dollars.

For the payment of salaries at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars, and for other current expenses of said institution, a sum not exceeding thirty-nine thousand dollars.

State workhouse.

For the salary of the secretary of the board of prison commissioners, two thousand dollars; and for expenses of said board of commissioners, a sum not exceeding five hundred dollars.

Prison commissioners, secretary.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Fugitives from justice.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding one thousand dollars; and for expenditures of said agent, a sum not exceeding three thousand dollars.

Discharged convicts.

For expenses of coroners' inquests, a sum not exceeding one thousand dollars.

Coroners' inquests.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1876.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BEDFORD. *Chap. 92.*

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of New Bedford may, from time to time, appoint such police officers and constables for said city as they may judge necessary, subject to removal by the mayor.

Mayor and aldermen may appoint police officers, etc.

SECTION 2. The city council of the city of New Bedford are hereby authorized and empowered to unite, by ordinance, the watch and police departments of the said city into one department, and to organize the same, and from time to time to establish regulations therefor, not repugnant to the laws of the Commonwealth.

Watch and police departments may be united.

SECTION 3. The mayor and aldermen may require any person who may be appointed a police officer or constable of the said city, to give bonds for the faithful discharge of the duties of his office, with such surety or sureties, and to such an amount, as may be deemed reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Police officers and constables may be required to give bonds.

SECTION 4. All acts authorizing the city council of said city to appoint a city marshal and assistants, constables and police officers, and all other acts or parts of acts

Repeal.

Proviso.

inconsistent with the provisions of this act, are hereby repealed : *provided*, that all officers now in service shall continue to hold their respective offices, unless sooner removed, until appointments shall be made, as hereinbefore provided.

Subject to acceptance by city council.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of New Bedford.

Approved April 4, 1876.

Chap. 93. AN ACT TO AUTHORIZE THE CALLING OF THE FIRST REGULAR MEETING OF THE CENTRE SCHOOL DISTRICT OF GREAT BARRINGTON.

Be it enacted, &c., as follows :

Warrant for meeting to be issued upon application of three residents, etc.

SECTION 1. The selectmen of the town of Great Barrington, upon application made to them in writing by three or more residents who pay taxes in the Centre school district in said town, shall issue their warrant directed to one of the persons making the application, requiring him to warn the inhabitants of said district qualified to vote in town affairs, to meet at the time and place in the district expressed in said warrant.

Copy of warrant to be posted on school-house doors, and published in Berkshire Courier.

SECTION 2. The warning shall be given by posting a true copy of said warrant upon the outside door of each school-house in said district at least fourteen days before the meeting, and by causing a true copy of said warrant to be published in the newspaper called the Berkshire Courier, published in Great Barrington, for two successive weeks, the last publication to be at least seven days before said meeting, and such warning shall be a legal and sufficient warning of the first regular meeting of said district, anything in the provisions of section fourteen of chapter thirty-nine of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

Chap. 94. AN ACT IN RELATION TO THE SERVICE OF WARRANTS ISSUED BY DISTRICT OR POLICE COURTS, OR TRIAL JUSTICES, OR JUSTICES OF THE PEACE.

Be it enacted, &c., as follows :

Warrants may be served by constable in any place in the county where the court has jurisdiction.

Warrants and other criminal processes issued by any district or police court or by a trial justice, or justice of the peace, may be directed to, and served by, any constable of any city or town within the county in which such court, trial justice, or justice of the peace has jurisdiction.

Approved April 4, 1876.

AN ACT TO INCORPORATE THE CITIZENS EXCHANGE OF WORCESTER. *Chap. 95.**Be it enacted, &c., as follows :*

SECTION 1. George F. Verry, James J. Russ, W. A. Denholm, Charles B. Pratt, their associates and successors, are hereby made a corporation, by the name of the Citizens Exchange, for the purpose of promoting trade and business in the city of Worcester and vicinity, with all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations : *provided, however*, that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Corporators.

Name and purpose.

Proviso.

SECTION 2. Said corporation may hold real and personal estate not exceeding ten thousand dollars in value.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

*Approved April 4, 1876.*AN ACT RELATING TO THE TRANSFER TO THE STATE WORKHOUSE OF CERTAIN CONVICTS CONFINED IN HOUSES OF CORRECTION. *Chap. 96.**Be it enacted, &c., as follows :*

SECTION 1. Upon the application of the overseers of a house of correction, the commissioners of prisons may cause any person confined therein under sentence hereafter imposed for any offence mentioned in section twenty-eight of chapter one hundred and sixty-five of the General Statutes and chapter two hundred and thirty-five of the acts of the year eighteen hundred and sixty-six, to be transferred, with the mittimus, to the state workhouse, there to be kept during the remainder of the sentence in the same manner as if such person had been originally committed thereto ; and the transfer shall be made in the manner prescribed in sections three, five and six of chapter three hundred and seventy of the acts of the year eighteen hundred and seventy. The commissioners of prisons shall have the same power to discharge any person so removed as is now vested in the overseers of houses of correction.

Vagrants, etc., may be transferred from houses of correction to the state workhouse.

SECTION 2. The county from which such person is removed shall pay for his support such sum per week as may be fixed by the board of state charities, and all moneys so received shall be paid into the state treasury in the manner now provided by law.

County, from which person is removed, to pay for support.

Approved April 4, 1876.

Chap. 97. AN ACT TO INCORPORATE THE TRUSTEES OF THE DEERFIELD ACADEMY AND DICKINSON HIGH SCHOOL.

Be it enacted, &c., as follows :

Estate held under will of Mrs. Dickinson to be exempt from taxes.

SECTION 1. For the purpose of encouraging the establishment of a high school, library and reading-room, under the will of Mrs. Esther Dickinson, late of Deerfield, deceased, and of obviating certain objections which now exist to the execution of the trusts thereby created, all the estate real and personal held in trust under said will for the purpose aforesaid, shall be exempt from all manner of taxes, rates and impositions, so soon and so long as the trustees shall maintain the high school, library and reading-room therein provided for: *provided, however*, that this act shall not take effect unless accepted by the town of Deerfield on or before the fifteenth day of June next, at a regular annual town meeting, or a town meeting called for the purpose.

Proviso.

Corporators.

SECTION 2. Virgil M. Howard, John F. Moors, Elisha Wells, Dexter Childs and George W. Jones, and their successors to be appointed under the provisions of said will, are hereby made a corporation under the name of The Trustees of the Deerfield Academy and Dickinson High School, for the purpose of executing the trusts created by said will, with the powers and subject to the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force applicable to corporations organized under chapter thirty-two of the General Statutes, except as hereinbefore provided.

Name and purpose.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1876.

Chap. 98. AN ACT TO SUPPLY THE TOWN OF CLINTON WITH PURE WATER

Be it enacted, &c., as follows :

Clinton to be supplied with water.

SECTION 1. The town of Clinton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants and regulate their use, may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take and hold the waters of Sandy Pond, etc.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Sandy Pond, so called, and of any other natural pond or ponds, brook or brooks, within

the limits of the said town of Clinton, and may also take and hold, by purchase or otherwise, such land around the margin of said ponds or brooks, not exceeding five rods in width, as may be necessary for the preservation of the purity of said waters, and all other lands necessary for raising, flowing, holding, diverting, conducting, purifying and preserving such waters and conveying the same to any and all parts of said town, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway, alley or other way, in such manner as not to unnecessarily obstruct the same, and for the purposes of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hinderance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water or water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter named.

May take and hold lands.

May lay down pipes and drains.

To file in the registry of deeds, a description of the land taken.

SECTION 3. The said town of Clinton shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water, or water rights or easements, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town.

Liability for damages.

Any person or corporation whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

"Clinton Water Loan" not to exceed \$125,000.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, the said town of Clinton shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer, and countersigned by the chairman of the selectmen, to be denominated the "Clinton Water Loan," to an amount not exceeding one hundred and twenty-five thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Water commissioners to be elected.

SECTION 5. Said town shall elect by ballot as hereinafter provided, three persons who shall form a board of water commissioners, whose duties it shall be to execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Terms of office.

SECTION 6. At any annual meeting of the inhabitants of said town, or at any special meeting called for the purpose, one of the three persons to be chosen according to the provisions of the preceding section, shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meeting, after which first election, one member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years.

Vacancies.

Any vacancy occurring in said board may be filled by said town for the unexpired term. A majority of said board shall constitute a quorum for the exercise of the powers and duties prescribed by this act.

Rents for use of water to be established.

SECTION 7. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefrom for the payment of the interest on the Clinton

Water Loan; and also after three years from the introduction of the water into said town for the further payment of not less than one per centum of the principal of said loan.

The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said loan, until the same is fully paid and discharged.

Sinking fund to be established.

The said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Commissioners to be trustees of fund.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of said Clinton Water Loan, if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on the said loan, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying from the said surplus income and receipts the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof for the county of Worcester, and accepted by said court, shall be binding and conclusive for the term of three years next after said acceptance, and until the price so fixed shall, after said term, be changed by said water commissioners or by said town.

Supreme judicial court may appoint commissioners to raise water rates, if income is not sufficient.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and also the

Liability of owner and tenant.

owner thereof shall be liable, if on being notified of such use, he does not object in writing thereto.

Penalty for diverting water or rendering the same impure.

SECTION 10. Any person who shall use any of said water without the consent of the town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding three hundred dollars or imprisonment in the house of correction not exceeding one year, or both said penalties.

Subject to acceptance by a two-thirds vote of the legal voters.

SECTION 11. This act shall take effect upon its passage ; but nothing shall be done, nor any expenditure made, nor liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two-thirds of the legal voters of said town, present and voting thereon at a legal meeting, called for that purpose within three years from the passage of this act.

Approved April 4, 1876.

Chap. 99. AN ACT TO AUTHORIZE THE CONSTRUCTION OF CERTAIN NARROW-GAUGE RAILROADS IN BILLERICA AND BEDFORD.

Be it enacted, &c., as follows :

Narrow-gauge railroad in Billerica and Bedford.

SECTION 1. Any railroad corporation which may be organized during the year eighteen hundred and seventy-six, in accordance with the provisions of chapter three hundred seventy-two of the acts of the year eighteen hundred and seventy-four, for the purpose of locating, constructing, maintaining and operating a narrow-gauge railroad in the towns of Billerica and Bedford, may locate and construct its railroad with a gauge of two feet instead of three feet as established by the general law.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT TO REGULATE THE USE OF STEAMBOATS FOR THE CONVEY- *Chap.100.*
ANCE OF PASSENGERS.

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen or selectmen of any city or town may license any person to run a steamboat for the conveyance of passengers on lakes, ponds, and waters within this Commonwealth, and not within the maritime jurisdiction of the United States.

Steamboats for conveyance of passengers may be licensed.

SECTION 2. No person shall run a steamboat for the conveyance of passengers as aforesaid, without having previously obtained a license therefor from the mayor and aldermen of the city or cities, and the selectmen of the town or towns within whose limits such steamboat shall land or receive passengers.

Not to be run without a license.

SECTION 3. Such licenses shall be granted for a term not exceeding one year, and shall be recorded by the clerk of the city or town by which they are granted, who shall receive a fee of one dollar for every such license and record. Every such license shall set forth the name of the vessel and of the master and owner, the number of passengers such vessel shall be permitted to carry at any one time, and shall be posted in a conspicuous place thereon, and the number of passengers specified in such license shall in no case be exceeded.

Licenses for term not exceeding one year.

To set forth number of passengers permitted to carry, etc.

SECTION 4. Whoever violates any of the provisions of this act shall be punished by fine not exceeding fifty dollars for each offence.

Penalty.

Approved April 6, 1876.

AN ACT TO AUTHORIZE THE FALL RIVER RAILROAD COMPANY TO *Chap.101.*
SELL OR LEASE ITS ROAD.

Be it enacted, &c., as follows:

SECTION 1. The Fall River Railroad Company is hereby authorized to lease or sell its road, franchise and other property to the Old Colony Railroad Company, or to the New Bedford Railroad Company, or to the Boston, Clinton & Fitchburg Railroad Company, or to unite or consolidate with either of said companies; and either of said companies is hereby authorized to hire, purchase, unite or consolidate with the said Fall River Railroad Company, and may increase its capital stock to an amount not exceeding the sum expended therefor; but no such sale, lease, union or consolidation shall be made except by vote of the majority in interest of the stockholders of the

Fall River Railroad Company may sell or lease its road.

Proviso.

corporation purchasing, hiring or uniting with said Fall River Railroad Company, at a meeting duly called for the purpose; and by a like vote of the stockholders of said Fall River Railroad Company at a meeting called for the purpose; and the terms and conditions of the proposed sale, lease, union or consolidation shall also be stated in the call for the said meeting of each corporation.

New corporation to have all powers of the existing corporations if they are united.

SECTION 2. In the event that the Fall River Railroad Company shall hereafter, as contemplated in this act, unite or consolidate with either of said corporations as aforesaid, the corporation so formed shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which, at the time of such union, may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions, debts and liabilities to which, at the time of union, either is subject in severalty; but the capital stock of the corporation so formed shall not exceed the sum of the capital stock of the uniting corporations at the time of such union; and after such union is effected the corporation so formed may take any corporate name that may be approved by the board of railroad commissioners.

Approved April 6, 1876.

Chap. 102. AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO ESTABLISH A SINKING FUND FOR THE PAYMENT OF ITS INDEBTEDNESS INCURRED BY ITS SUBSCRIPTION FOR THE CAPITAL STOCK OF THE OLD COLONY RAILROAD COMPANY.

Be it enacted, &c., as follows:

Sinking fund may be established to pay for stock of Old Colony Railroad.

SECTION 1. The town of Provincetown may establish a sinking fund for the payment of its indebtedness incurred for the purpose of paying for the capital stock of the Old Colony Railroad Company, and may contribute thereto any sums which it may receive upon sales of said stock or from dividends thereon, or from taxes which it may vote to raise and appropriate therefor, and may transfer the custody and management of said stock to the commissioners of said sinking fund.

Subject to provisions of 1875, 209, § 5.

SECTION 2. Such sinking fund shall be subject to the provisions of section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five; and the commissioners thereof shall be elected, and vacancies in the board filled, in accordance with the provisions of said section five, with all the powers and subject to all the limitations and liabilities therein expressed.

SECTION 3. The votes of said town at a meeting held in February of the current year, establishing a sinking fund for the payment of such indebtedness and choosing commissioners therefor, shall have the same effect as if passed at a meeting duly called after this act takes effect; and the commissioners of said fund already chosen shall hold office for the terms for which they were chosen respectively, and vacancies in their offices shall be filled in the manner provided by said section five.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT TO REGULATE THE TAKING OF FISH IN NORTH RIVER, IN THE COUNTY OF PLYMOUTH. *Chap. 103*

Be it enacted, &c., as follows:

SECTION 1. No person shall fish with a net or seine in North River or any of its tributaries, in the county of Plymouth, nor in any manner take or catch any shad, salmon or alewives, until the first day of July in the year eighteen hundred and eighty-one, under the penalty of five dollars for each shad or alewife, and fifty dollars for every salmon so taken.

Votes of town legalized.

Seines not to be used.

Shad, salmon, etc., not to be caught until July 1, 1881.

SECTION 2. Any net or seine, together with any boat, craft or fishing apparatus used in violation of the provisions of this act, and all fish unlawfully captured as hereinbefore mentioned, shall be forfeited to the Commonwealth.

Boats, etc., unlawfully used to be forfeited.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and seventy-six.

To take effect July 1, 1876.

Approved April 6, 1876.

AN ACT REQUIRING CERTAIN RETURNS TO THE COMMISSIONERS ON INLAND FISHERIES. *Chap. 104*

Be it enacted, &c., as follows:

SECTION 1. The owner or owners of every pound, weir or other similar fixed contrivance, or of any fishing pier, seine, drag or gill net used in any of the waters of this state for fishing purposes, shall make written report, under oath, to the commissioners on inland fisheries, on or before the first day of October in each year, specifying the number of each kind of edible fish caught by his or their respective pounds, weirs or other similar fixed contrivances, piers, seines, drags or gill nets, during the year next preceding the date of said report.

Owners of pounds, etc., to make annual reports to commissioners of number, etc., of edible fish caught.

Commissioners
to furnish blank
forms for re-
ports.

SECTION 2. It shall be the duty of the commissioners on inland fisheries to furnish each owner or proprietor of any pound, weir or similar fixed contrivance, pier, seine, drag or gill net, on or before the fifteenth day of March in each year, with suitable blank forms for the reports required by the preceding section, so arranged that each day's catch may be separately recorded thereon; and in filling out such reports, such owner or proprietor shall give the results of each day's fishing so far as practicable; and it shall be the duty of such owner or proprietor to apply to the commissioners on inland fisheries for such blank forms.

Penalties.

SECTION 3. Whoever knowingly and wilfully violates any of the provisions of this act shall be punished by a fine of not less than ten nor more than one hundred dollars.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 105 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO RECONSTRUCT DOVER STREET BRIDGE, IN SAID CITY.

Be it enacted, &c., as follows:

City of Boston
may reconstruct
and widen
Dover Street
Bridge.

SECTION 1. The city of Boston is hereby authorized to repair, reconstruct and widen Dover Street Bridge, so called, situated in said city, to a width not exceeding sixty feet; and may construct fender guards, may change the location of the draw, and do such other acts as it may deem necessary, expedient or convenient in the premises, to secure a bridge and draw which shall safely and conveniently accommodate public travel and navigation; subject, however, to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

May take land,
wharves, etc.

SECTION 2. To secure and accomplish the objects and purposes of the preceding section, said city may take such lands, buildings, wharves and structures as it may deem necessary, and all damages to private property, or for land taken under this act, shall be ascertained, as provided in chapter forty-three of the General Statutes.

Damages.

Approved April 6, 1876.

AN ACT AUTHORIZING THE CITIES OF BOSTON AND CHELSEA TO *Chap. 106*
RECONSTRUCT CHELSEA BRIDGE.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston shall have authority to reconstruct that part of Chelsea Bridge now maintained by it, in the manner following, to wit:—to increase the width of said bridge to sixty-six feet, so that it shall be thirty-three feet in width on each side of the centre of the present bridge; to fill solid to said width the portion between the Charlestown end in the former city of Charlestown to the harbor commissioners' line, and also the portion between the southerly sea-wall of the filled land of the Boston and Lowell Railroad Company, and the northerly sea-wall of the flats and filled land of the Mystic River Corporation; to change the location of the draw therein, and to build suitable draw-piers and fenders, subject however to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine. In constructing the portions to be filled solid, the city of Boston shall have the option of building retaining walls, or bulkheads, or of sloping the sides to such an extent as may be necessary to build the roadway of the bridge to the width of sixty-six feet.

City of Boston
may reconstruct
part of Chelsea
Bridge.

SECTION 2. The city of Chelsea shall have authority to reconstruct that part of Chelsea bridge now maintained by it in the manner following, to wit:—to increase the width of said bridge to the extent and in the manner hereinbefore authorized to be done by the city of Boston; to fill solid to said width such portion of said bridge from the Chelsea end towards the draw as the harbor commissioners shall determine and permit to be filled, to the depth of not less than ten feet above mean low-water mark; to construct solid retaining walls for that purpose on both sides of said bridge, and if said city of Chelsea shall so elect, to slope the westerly side instead of constructing said solid retaining wall; to change the location of the draw piers and to build suitable piers and fenders for said draw; all subject however to the provisions of said chapter four hundred and thirty-two.

City of Chelsea
may reconstruct
part of Chelsea
Bridge.

SECTION 3. To secure and accomplish the objects and purposes of the preceding sections, said cities may severally take such lands, buildings, wharves and structures, as they deem necessary; and all damages to private property,

May take land,
buildings,
wharves, etc.

or for land, buildings, wharves or structures taken under this act shall be ascertained as prescribed in chapter forty-three of the General Statutes, and be severally paid for by said cities: *provided, however*, that nothing herein contained shall be construed to compel payment for any land or property within the location of said bridge as originally laid out.

Proviso.

Harbor commissioners to designate places where material may be taken for filling.

SECTION 4. Such cities shall severally have the right to fill those portions of the bridge hereinbefore authorized to be filled solid, to the depth of ten feet above mean low-water mark, with material taken from flats or marsh between high and low-water mark at such place or places as shall be designated by the harbor commissioners, and in such case no other compensation for said filling shall be required from said cities.

Foot-walk may be maintained while bridge is rebuilding.

SECTION 5. Said cities of Boston and Chelsea are authorized, during the rebuilding of said bridge, to construct and maintain within their said respective limits a foot-walk; but they shall be subject to no liability for damages for any injury suffered by any person, while passing over said foot-walk by reason of any defect therein.

Obligations to keep in repair not affected.

SECTION 6. Nothing contained in this act shall affect any obligation existing on the part of any person or corporation to keep in repair any portion of the bridge, after the same shall have been rebuilt.

Temporary structure may be built for use of Lynn and Boston Horse Railroad.

SECTION 7. Either of said cities is authorized to build a temporary structure upon which the Lynn and Boston Horse Railroad Company may run its cars at its own risk, while said city is rebuilding any part of said bridge, or said railroad company may build and use said temporary structure itself, subject to the approval of the harbor commissioners: *provided*, that neither city shall be liable to any person or corporation by reason of maintaining said temporary structure, or by reason of any defect therein, and *provided also*, that nothing contained in this section shall be construed to prohibit either city from closing said bridge, or any portion thereof, to public travel, whenever it shall become necessary in the construction thereof.

revises.

Approved April 6, 1876.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER IPSWICH RIVER. *Chap. 107*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Essex are hereby authorized and empowered, if in their judgment the public necessity and convenience require, to lay out a highway and construct a bridge and draw across Ipswich River in the town of Ipswich, in said county, at some place to be determined by them, between Coggswell's Wharf and Damon's Mills. County commissioners may construct a bridge across Ipswich River.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways. To proceed as in laying out, etc., highways.

SECTION 3. This act shall be void unless an application shall be made to the county commissioners to lay out said highway and bridge within one year from its passage. Application for laying out to be made within one year.

Approved April 6, 1876.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION AND COMPLETION OF A HIGHWAY AND BRIDGE ACROSS THE CONNECTICUT RIVER AT TURNER'S FALLS. *Chap. 108*

Be it enacted, &c., as follows:

SECTION 1. The time mentioned in chapter one hundred ninety-three of the acts of the year eighteen hundred and seventy-five, for the construction and completion of the highway and bridge at Turner's Falls, is extended to four years from the passage of said act. Time extended for construction and completion.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT TO ALLOW THE USE OF TENTS AND CAMP EQUIPAGE BY EDUCATIONAL INSTITUTIONS. *Chap. 109*

Be it enacted, &c., as follows:

SECTION 1. Educational institutions which are by law compelled to give military instruction may, at the discretion of the commander-in-chief, use the tents and camp equipage of the militia for the purpose of encampment: *provided*, that satisfactory bonds shall be given that said property shall be returned to the Commonwealth in as good condition as when received, ordinary wear only excepted, and that the Commonwealth shall be subject to no expense except that incurred by said wear. Camp equipage for use of educational institutions.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 110 AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE BOARD OF EDUCATION.

Be it enacted, &c., as follows :

Secretary of
board of educa-
tion, salary es-
tablished.

SECTION 1. The secretary of the board of education shall receive an annual salary of twenty-five hundred dollars, and also the sum of four hundred dollars in full compensation for travelling expenses, to be paid out of the moiety of the school-fund applicable to educational purposes.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 111 AN ACT TO INCORPORATE THE BRYANT FREE LIBRARY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William C. Bryant, Arthur Bryant, John H. Bryant, Francis H. Dawes, Lorenzo H. Tower and the chairman, for the time being, of the selectmen of the town of Cummington, in Hampshire County, their associates and successors, are hereby made a body corporate, by the name of the Bryant Free Library, for the purpose of establishing and maintaining in said town of Cummington an institution to aid in the promotion of education, culture and refinement, and the diffusion of knowledge, by means of a library free to all the inhabitants of said town, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Name and pur-
pose.

Powers and
duties.

Real and per-
sonal property.

SECTION 2. Said corporation may hold real and personal property for the purpose aforesaid to the amount of seventy-five thousand dollars, and all gifts, devises, bequests, and grants thereto, shall be devoted to such purposes expressly, and used in conformity with and held upon the conditions, upon which such gifts, devises, bequests or grants may be made: *provided*, that such conditions are not inconsistent with the provisions of this act.

Town may ap-
propriate money
for its support.

SECTION 3. The town of Cummington, so long as said corporation maintains a public library for the use of the inhabitants thereof, in conformity with this act and the conditions of such gifts, devises, bequests and grants as may from time to time be made to and accepted by it, is hereby authorized to appropriate and pay money to aid in supporting such institution, the same as may be done by law for the support of public libraries; and said cor-

poration may receive and use in conformity with this act all such appropriations as may from time to time be made.

SECTION 4. The persons heretofore named in this act shall constitute a board of trustees of such corporation, and shall have authority to fill all vacancies in any manner occurring, but the number of said trustees shall never exceed six; and the chairman of the selectmen of the town of Cummington, for the time being, shall always be *ex officio* one of that number. They shall choose of their number a president of the board, a clerk, and a treasurer, and prescribe the duties of each, and generally make such by-laws and regulations for the management of the institution and of its property and funds, and the use of its library, not in conflict with this act, as they shall deem best calculated to carry out its purposes and those of the gifts, grants, bequests or devises which may be made to it. And all the accounts and records of said library and all the books in which any memorandums of the management of the said institution are made, shall at all convenient times be freely open to the inspection and examination of any inhabitant of the town of Cummington who may desire information of its affairs and condition.

Board of trustees.

Officers of corporation.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT TO CHANGE THE NAME OF THE WEST CONGREGATIONAL SOCIETY IN DRACUT. *Chap. 112*

Be it enacted, &c., as follows:

SECTION 1. The name of the West Congregational Society in Dracut is hereby changed to the Pawtucket Society in Lowell.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT IN ADDITION TO AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES. *Chap. 113*

Be it enacted, &c., as follows:

SECTION 1. The wards numbered thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-four, in the city of Boston, shall form one district for the choice of a member of congress, to be called congressional district number three.

Congressional district No. 3.

3*

Congressional
district No. 4.

SECTION 2. The city of Chelsea, the towns of Revere and Winthrop, and the wards numbered one, two, six, seven, eight, nine, ten, eleven and twelve, in the city of Boston, shall form one district for the choice of a member of congress, to be called congressional district number four.

Wards 3, 4 and 5,
in Boston, to be
part of district
No. 5.

SECTION 3. The wards numbered three, four and five, in the city of Boston, shall be included within, and form a part of congressional district number five.

Wards 22 and 23,
in Boston, to be
part of district
No. 8.

SECTION 4. The wards numbered twenty-two and twenty-three, in the city of Boston, shall be included within, and form a part of congressional district number eight.

Repeal.

SECTION 5. So much of chapter three hundred of the acts of the year eighteen hundred and seventy-two as is inconsistent with the provisions of this act, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 114 AN ACT TO AMEND SECTION FORTY-FOUR OF CHAPTER TWENTY-FOUR OF THE GENERAL STATUTES RELATING TO THE ASSESSMENT OF TAXES IN FIRE DISTRICTS.

Be it enacted, &c., as follows:

Amendments to
G. S. 24, § 44.

SECTION 1. Section forty-four of chapter twenty-four of the General Statutes, is hereby amended by striking out the word "but" after the word "taxes" in the tenth line and insert the word "and," and also by inserting after the word "the" and before the word "property" in the eleventh line the words "polls and."

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 115 AN ACT TO REGULATE INQUESTS ON DEAD BODIES.

Be it enacted, &c., as follows:

If, in the opinion
of the coroner,
murder or man-
slaughter has
been committed,
the district-
attorney shall be
notified.

When on view of a dead body and personal inquiry into the cause and manner of the death, a coroner is of opinion that the crime of murder or of manslaughter may have been committed, he shall immediately after issuing his warrant notify the district attorney of that fact, and of the time and place expressed in his warrant for an inquest on said body; said district attorney shall attend at said inquest, in behalf of the Commonwealth, unless he deems such attendance unnecessary. The coroner shall issue subpoenas for any witness designated by said district attorney, and allow him to examine all witnesses testifying

District-attor-
ney to attend
inquest.

before the inquest, and shall bind over, under the provisions of section ten of chapter one hundred and seventy-five of the General Statutes, any witness whom said district attorney may designate.

Approved April 6, 1876.

AN ACT TO CHANGE A PORTION OF THE HARBOR LINE IN GLOUCESTER HARBOR. *Chap. 116*

Be it enacted, &c., as follows:

SECTION 1. So much of chapter one hundred and twenty-four of the acts of the year one thousand eight hundred and sixty-six as establishes a harbor line beyond which, in Gloucester harbor, no wharf, pier or other structure shall ever hereafter be extended into or over tide-waters in said harbor, from a point in the line established by said act, which point is one hundred and fifty-one feet distant from the stone bulkhead, and perpendicular thereto; thence in a straight line north-westerly one hundred and eleven feet to a point one hundred and thirty feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly one hundred and ninety-one feet to the north-west corner of the present wharf of Pettingell and Cunningham; thence in a straight line north-westerly two hundred and ninety-two feet to the north-west corner of the present wharf of J. O. Proctor; thence in a straight line north-westerly one hundred and eighty-seven feet to the north-west corner of the present wharf of F. E. Riggs and Company; thence in a straight line north-westerly eighty-six feet to a point three hundred and forty-four feet distant from the north-east corner of Commercial and Beach streets, is hereby repealed: and in place of such portion of said harbor line, a harbor line is hereby established, beginning at said point in the line established by said act of the year one thousand eight hundred and sixty-six, which point is one hundred and fifty-one feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly one hundred and eleven feet to a point one hundred and fifty feet distant from the stone bulkhead and perpendicular thereto; thence in a straight line north-westerly about seven hundred and sixty feet to a point three hundred and forty-four feet distant from the north-east corner of Commercial street: beyond said last described line hereby established, no wharf, pier or other structure shall ever hereafter be extended into or over tide-waters in said harbor of Gloucester.

Harbor lines
established in
Gloucester har-
bor.

Wharves, etc.,
not to be ex-
tended beyond
established line.

Provisions of
1866, 124, §§ 4, 5.

SECTION 2. Sections four and five of said chapter one hundred and twenty-four shall apply to this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 117

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, FOR THE ERECTION AND REGULATION OF MILLS.

Be it enacted, &c., as follows:

Amendment to
1873, 144, § 2.

SECTION 1. Section two of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-three, is hereby amended by inserting after the word "corporation," wherever it occurs in said section, the words, "or town or city."

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1876.

Chap. 118

AN ACT RELATING TO NIGHT-WALKERS.

Be it enacted, &c., as follows:

Male night-
walkers to be
deemed common
night-walkers,
and punished as
such.

Any male person who by night frequents the streets, highways or public places, or who goes about or abroad with the intent to entice, allure or invite any one to illicit sexual intercourse, shall be deemed a common night-walker, and shall be punished in the same manner as those now deemed common night-walkers are punished by law.

Approved April 6, 1876.

Chap. 119

AN ACT TO APPROPRIATE THE INCOME OF THE COMPENSATION FUND FOR BOSTON HARBOR.

Be it enacted, &c., as follows:

Harbor commis-
sioners may con-
tract for dredg-
ing off shoals in
Boston Harbor.

The board of harbor commissioners is authorized to contract for dredging off shoals in Boston harbor, in such localities as said board shall designate to a depth not exceeding twenty-three feet at mean low-water, such contracts to be subject to the approval of the governor and council. The income from the compensation fund for Boston harbor, received during the year eighteen hundred and seventy-five and during the year eighteen hundred and seventy-six, shall be used to pay for such dredging, and the same is hereby appropriated.

Approved April 6, 1876.

AN ACT RELATING TO DEPOSIT NOTES OF MUTUAL FIRE INSURANCE COMPANIES. *Chap. 120**Be it enacted, &c., as follows :*

SECTION 1. Mutual fire insurance companies incorporated under the laws of this Commonwealth prior to the third day of June in the year eighteen hundred and fifty-six, may take deposit notes for such portion of the premiums reserved by their policies, as their by-laws may provide.

Deposit notes for portion of premiums reserved by policies.

SECTION 2. All deposit notes heretofore taken by such companies in excess of the amount provided for by section fifty-eight of chapter fifty-eight of the General Statutes, shall be deemed to have been legally taken.

Notes in excess of amount provided by G. S. 58, § 58, legalized.

SECTION 3. The total amount of the liability to assessment of the policy-holder, shall hereafter be plainly and legibly stated on the back of every policy of insurance, issued by a mutual fire insurance company.

Liability to assessment to be stated on back of policy.

*Approved April 6, 1876.*AN ACT RELATING TO THE COMMITMENT OF CHILDREN TO THE STATE PRIMARY SCHOOL, AND TO THEIR DISCHARGE THEREFROM. *Chap. 121**Be it enacted, &c., as follows :*

SECTION 1. Whenever a child, having a settlement in this Commonwealth, is committed to the state primary school under the provisions of section ten of chapter three hundred and fifty-nine, of the acts of the year eighteen hundred and seventy, the general agent of state charities shall give written notice of such commitment to the overseers of the poor of the place of settlement; and said overseers, with the assent of the board of state charities, may remove such child to said place of settlement, and said place of settlement shall pay one dollar per week, from the date of the notice aforesaid, for the support of such child in said school, which sum shall be paid to, or recovered by, the treasurer of the Commonwealth.

Notice to be given to overseers of place of settlement when child is committed under 1870, 359, § 10.

SECTION 2. The board of state charities may discharge from custody any child committed to its care under the provisions of said section ten of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy.

Discharge of children.

Approved April 6, 1876.

Chap. 122 AN ACT RELATING TO THE PASSAGE OF VESSELS THROUGH DRAW-BRIDGES.

Be it enacted, &c., as follows:

Passage of vessels through bridges may be regulated by towns, etc.

SECTION 1. Any city or town in which a draw for the passage of vessels through a bridge used as a public highway and maintained at the public expense, is situated, shall have power to make ordinances or by-laws regulating the passage of vessels through such draw, and to annex penalties not exceeding fifty dollars for each violation thereof: *provided*, such ordinances or by-laws shall be approved by the harbor commissioners.

Draw-tenders to be appointed.

SECTION 2. In all cases where such ordinances or by-laws are made applicable to any draw, it shall be the duty of such city or town to place said draw under the direction of a suitable person or persons, as draw-tender or superintendent, and to post in some conspicuous place near by, a written or printed copy of such ordinances or by-laws.

To have control of passage of vessels.

SECTION 3. Such draw-tender or superintendent shall have full control of the passing of all vessels through the draw, shall furnish all facilities for such passing, shall allow no detention, having due regard for the public travel, and shall enforce the ordinances or by-laws aforesaid.

Liability in case directions are not complied with.

SECTION 4. If any vessel shall, through the negligence of the master or others having charge of her, or their neglect to comply with such ordinances or by-laws, or disregard of the directions of such draw-tender or superintendent, injure any bridge, draw or pier or wharf connected therewith, the owner or owners thereof shall likewise be liable to pay for such damage, to be recovered by such city or town in an action of tort.

Draw-tender may remove vessel obstructing draw.

SECTION 5. Such draw-tender or superintendent shall likewise have authority to remove any vessel obstructing such draw, or interfering with the passage of other vessels through the same, or made fast to such draw or bridge or pier or wharf connected with the same, without the consent of such draw-tender or superintendent, or wilfully violating any ordinance or by-law, and the expense of such removal shall be recovered in the manner set forth in the foregoing section.

SECTION 6. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT RELATING TO THE SEALING OF WEIGHTS AND MEASURES. *Chap. 123*
Be it enacted, &c., as follows:

SECTION 1. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting notice in one or more public places in their respective cities and towns, to all inhabitants or persons having a usual place of business therein, who use scales, weights, measures or milk-cans for the purpose of selling any goods, wares, merchandise or other commodities, or for public weighing, to bring in their scales, weights, measures and milk-cans to be adjusted and sealed within sixty days after said notice. Such sealers shall attend in one or more convenient place or places, and shall adjust, seal and record all scales, weights, measures and milk-cans, so brought in.

Sealers to give annual notice that weights, etc., be brought in to be adjusted.

In those cities or towns where a salary is paid to sealers of weights and measures, no fees shall be charged for such services. In other cities and towns the said sealers shall receive the compensation set forth in section fourteen of chapter fifty-one of the General Statutes.

SECTION 2. After the expiration of the said sixty days the said sealers of weights and measures shall go to the houses, stores and shops of persons mentioned in the foregoing section who have neglected to comply with the notice given thereunder, and having entered the same, with the assent of the occupants thereof, shall adjust and seal their scales, weights, measures and milk-cans, and shall be entitled to receive for said service the compensation set forth in said section fourteen.

To adjust weights, etc., in stores when dealers fail to comply with notice.

SECTION 3. The said sealers of weights and measures shall go once a year, and oftener if necessary, to every hay and coal scale, dormant or other platform balance, within their respective cities and towns, that cannot be easily or conveniently removed, and test the accuracy of and adjust and seal the same, and shall receive therefor the compensation set forth in said section fourteen.

To test hay and coal scales annually.

SECTION 4. All persons using any scales, weights, measures or milk-cans for the purpose of buying or selling any commodity, may have the same tested and sealed by the sealers of weights and measures, at the office of any of said sealers, whenever such persons desire to have it done.

To adjust weights at office whenever required.

To examine, etc., when complaint is made that weights, etc., are incorrect.

Penalty.

Weights that cannot be made to conform to standard to be marked "condemned."

Penalty for using false weight or measure.

Sealers of weights may be paid salaries.

SECTION 5. Whenever a complaint is made to a sealer of weights and measures by any person, that he has reasonable cause to believe, or whenever a sealer of weights and measures shall himself have reasonable cause to believe, that any scale, weight, measure or milk-can used in the sale of any commodity within the city or town, is incorrect, the said sealer shall go to the place where such scale, weight, measure or milk-can is, and test and mark the same according to the result of the test applied thereto; and if the same be incorrect and cannot be adjusted, the said sealer shall attach a notice thereto certifying the fact, and forbidding the use thereof until the same has been made to conform to the authorized standard. Any person using any scales, weights, measures or milk-cans after a sealer of weights and measures has demanded permission to test the same, and has been refused such permission, shall be liable to a penalty of not less than ten nor more than one hundred dollars.

SECTION 6. All scales, weights, measures and milk-cans that cannot be made to conform to the standard, shall be stamped "condemned" or "C. D." by the sealer of weights and measures; and no person shall thereafter use the same for weighing or measuring any commodity sold or exchanged, under the penalties provided in the case of the use of false weights and measures.

SECTION 7. If any person shall knowingly use any false weight, measure, milk-can, scale, balance or beam, or shall alter any weight, measure, milk-can, scale, balance or beam after the same shall have been adjusted and sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of fifty dollars, one-half to the use of the city or town, and one-half to the use of the complainant. And any sealer, when he shall have reasonable cause to believe that any weight, measure, milk-can, scale, balance or beam has been altered since the same was last adjusted and sealed, is authorized and required to enter the premises in which such weight, measure, milk-can, scale, balance or beam is kept or used, and examine the same.

SECTION 8. The city council of any city may, by ordinance, and any town may by by-law, provide that the sealers of weights and measures for their respective city or town, be paid by a salary, and that they account for

and pay into the treasury of the city or town, the fees received by them by virtue of their office.

SECTION 9. The mayor and aldermen of any city are authorized to remove any sealer of weights and measures in said city at any time they may see fit. Removal from office.

SECTION 10. Chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy, is hereby repealed. Repeal of 1870, 218.

SECTION 11. This act shall take effect upon its passage.

Approved April 6, 1876.

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE THE NEWBURYPORT RAILROAD. Chap. 124

Be it enacted, &c., as follows :

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the Newburyport Railroad Company, and the said Newburyport Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted it; and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all the duties, liabilities, obligations and restrictions to which said Newburyport Railroad Company may be subject: *provided*, Proviso. *however*, that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1876.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN. Chap. 125

Be it enacted, &c., as follows :

SECTION 1. All persons who now are, or shall hereafter become proprietors of lots in the cemetery of Mount Auburn of a size not less than one hundred square feet each, shall thereby become members of the corporation known as the Proprietors of the Cemetery of Mount Auburn: *provided*, that this section shall not take effect Proviso. Owners of lots containing one hundred square feet, to become members of the corporation.

until accepted by said corporation at a meeting called for the purpose.

Corporation may annex to cemetery all its lands within present inclosure.

SECTION 2. The said corporation may, by vote of its trustees, annex to its cemetery and use, for the purposes set forth in its charter, all the lands now owned by it and included within the present inclosure with its cemetery; and the said lands and any structure or thing now or hereafter erected or placed thereon, and used solely for the purposes set forth in said charter, for the repair, improvement, preservation and embellishment of said cemetery, and the lots of proprietors therein, shall thereby become a part of said cemetery, except stables or workshops and their contents; and the said corporation within thirty days after the passage of this act shall file in the registry of deeds for the southern district of the county of Middlesex, a plan of the lands now owned by it and included within the present inclosure with its cemetery.

SECTION 3. This act shall take effect upon its passage.

Approved April 7, 1876.

Chap. 126 AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE THE DANVERS RAILROAD.

Be it enacted, &c., as follows:

Boston and Maine Railroad may purchase the Danvers Railroad.

SECTION 1. The Boston and Maine Railroad is authorized to purchase the rights, franchise and property of the Danvers Railroad Company, and the said Danvers Railroad Company is authorized to convey and assign to the said Boston and Maine Railroad its franchise and property, and all the rights, easements, privileges and powers granted it, and the said Boston and Maine Railroad shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property, and be subject to all the duties, liabilities, obligations and restrictions to which said Danvers Railroad Company may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the contracting corporations, and approved by the majority of the votes at meetings of the stockholders of each corporation called for that purpose, and by the board of railroad commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1876.

AN ACT CONCERNING THE REGISTRY OF DEEDS FOR THE TOWN OF DALTON. *Chap. 127**Be it enacted, &c., as follows :*

SECTION 1. The town of Dalton, in the county of Berkshire is hereby set off from the northern to the middle district in said county, for the registry of deeds; and all deeds, conveyances and other instruments conveying or relating to lands, estates or rights situated in said Dalton now required by law to be recorded in the registry of deeds at Adams, shall hereafter be recorded in the registry of deeds at Pittsfield.

Dalton set off from northern to middle district for registry of deeds.

SECTION 2. The register of deeds for the northern district of Berkshire shall, on demand, deliver to the custody of the register of deeds for the middle district of Berkshire, all the original deeds and other instruments, recorded and remaining in the office of the former, conveying or relating to lands, estates or rights in said Dalton.

Deeds, etc., to be transferred.

SECTION 3. So much of section eighty-two of chapter seventeen of the General Statutes as constitutes the town of Dalton a part of the northern district for the registry of deeds in said Berkshire county, is hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of January next.

To take effect Jan. 1, 1877.

*Approved April 7, 1876.*AN ACT TO EXTEND THE PROVISIONS OF CHAPTER FOUR HUNDRED AND ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR IN RELATION TO THE TAKING OF LAND BY THE FITCHBURG RAILROAD COMPANY. *Chap. 128**Be it enacted, &c., as follows :*

SECTION 1. The time within which the Fitchburg Railroad Company may avail itself of the rights and privileges granted by chapter four hundred and one of the acts of the year eighteen hundred and seventy-four, is hereby extended for the term of three years.

Time extended for taking land, etc.

SECTION 2. Said chapter and this act shall not authorize said Fitchburg Railroad Company to take any lands east of Charles River Avenue in that portion of the city of Boston, known as Charlestown.

Land east of Charles River Avenue in Charlestown not to be taken.

*Approved April 7, 1876.*AN ACT IN FURTHER ADDITION TO AN ACT RELATING TO THE MYSTIC RIVER CORPORATION. *Chap. 129**Be it enacted, &c., as follows :*

The Mystic River Corporation is hereby authorized to construct docks, not exceeding six in number, inwardly from the line of its sea-wall on the north channel above Chelsea Bridge; and the material excavated from the flats

May construct docks above Chelsea Bridge.

in said docks may be used in filling the inclosures in the manner and as is required by section three of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five : *provided*, that all the specific excavations required by section two of said act shall be made and maintained by said Mystic River Corporation, its successors or assigns ; and *provided*, that no such dock shall be constructed within three hundred feet of said Chelsea Bridge, nor until the space under said bridge between the north sea-wall and the sea-wall on the south channel built by said corporation shall be filled solid. And vessels may be laid in said docks, and dockage and wharfage be received therefor.

Approved April 7, 1876.

Chap. 130 AN ACT TO SUPPLY THE TOWN OF HINGHAM WITH PURE WATER.
Be it enacted, &c., as follows : •

Hingham to be supplied with pure water. SECTION 1. The town of Hingham is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam and for domestic and other uses ; and may establish public fountains and hydrants, regulate their use, and discontinue the same, and may collect such rents as may be fixed for the use of said water.

May take waters of Accord Pond. SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Accord Pond, so called, in the towns of Hingham, Scituate and Rockland, and the waters which flow into and from the same, together with any water rights connected therewith, and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Hingham ; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor ; and for the purposes of this act may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses or railroads, and along any street, highway, alley or other way, but in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hinderance to travel thereon : *provided*, that within ninety days after the time of taking any lands, waters or

May erect dams and reservoirs.

water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by a majority of the water commissioners hereinafter named.

To file in the registry of deeds a description of the land, etc., taken.

SECTION 3. Said town of Hingham shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights, until the water is actually taken and diverted by said town. Any person whose water rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Hingham shall have authority from time to time to issue notes, bonds or scrip, signed by its treasurer and countersigned by the chairman of the selectmen thereof, to be denominated "Hingham Water Loan," to an amount not exceeding two hundred thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

"Hingham Water Loan" not to exceed \$200,000.

SECTION 5. The treasurer of said town and the chairman of the selectmen thereof, *ex officio*, and three persons to be elected by ballot by the said inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance

Board of water commissioners.

of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Three commis-
sioners to be
elected.

SECTION 6. At any annual meeting of the inhabitants of said town or at any special meeting called for the purpose, one of the three persons to be elected according to the provisions of the preceding section, shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meeting; after which first election, a member of said board, as the term of each expires, shall be elected at the annual town meeting for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. Said commissioners shall receive such compensation as the said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Water rates to
be established.

SECTION 7. Said water commissioners shall from time to time establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest on the "Hingham Water Loan," and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Sinking fund.

If income is in-
sufficient, rates
may be in-
creased.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of said "Hingham Water Loan," if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall, for any two successive years be insufficient to pay the accruing interest on the said loan and the one per centum to the sinking fund as aforesaid, then the supreme judicial court,

or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts, the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof, for the county of Plymouth, and accepted by said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price so fixed shall, after said term, be changed by the said water commissioners or by said town.

Commissioners to increase rates, to be appointed by supreme judicial court.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and the owner thereof shall also be liable, on being notified of such use, until he shall object thereto by written notice to said water commissioners.

Liability of owner and tenant.

SECTION 10. Any person who shall use said water, without the consent of the town, or who shall wantonly or maliciously divert the water or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered in an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Penalty for diverting water or rendering the same impure.

SECTION 11. This act shall take effect upon its passage; but nothing shall be done, or any expenditure made, or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of a majority of the legal voters of said town pres-

No expenditures to be made until act is accepted by legal voters.

ent and voting thereon at a legal meeting called for that purpose, within three years from the date of the passage of this act.

Approved April 7, 1876.

Chap. 131

AN ACT TO INCORPORATE THE TOWN OF MERRIMAC.

Be it enacted, &c., as follows :

Town of Merrimac incorporated.

Territorial limits.

SECTION 1. All the territory now within the town of Amesbury in the county of Essex, comprised within the following limits, that is to say ; beginning at a point on the Merrimac River, at the middle of the mouth of Pressey's Creek (so called), thence running northerly in a straight line to the most northerly point of land on the southerly side of Kimball's Pond, thence north-westerly in a straight line to a point on the town line dividing Amesbury and Newton, New Hampshire, two thousand and fifty feet west from the monument on the state line dividing Massachusetts and New Hampshire, situated on a road leading from Newton to Amesbury and near the house of Arthur Robertshaw, thence westerly, south-westerly and south-easterly as the present division lines run between the said town of Newton, city of Haverhill and said town of Amesbury, to a point on the Merrimac River, thence easterly by the Merrimac River to the point of beginning ; is hereby incorporated into a town by the name of Merrimac, and said town of Merrimac is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Inhabitants of Merrimac to pay assessed taxes to town of Amesbury.

SECTION 2. The inhabitants of said town of Merrimac shall pay all taxes which have been legally assessed upon them by said town of Amesbury ; and all taxes heretofore assessed and not collected, shall be collected by and paid to the proper officers of said town of Amesbury, in the same manner as if this act had not been passed. And until the next state valuation, the proportion of state and county taxes to be assessed upon said towns of Amesbury and Merrimac shall be ascertained and determined by the last valuation of said town of Amesbury, and the assessors of said town of Amesbury shall make return of said valuation and of the proportions thereof in said towns of Amesbury and Merrimac respectively, to the secretary of the Commonwealth and to the commissioners of the county of Essex.

SECTION 3. Said towns of Amesbury and Merrimac shall be respectively liable for the support of all persons who now are or shall hereafter be in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, within their respective limits; and said town of Merrimac shall also pay annually to said town of Amesbury two-fifths of the costs paid by the last named town for the support or relief of paupers whose settlements were acquired therein or derived from a settlement acquired therein in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said Amesbury.

Liability for support of paupers.

SECTION 4. Said town of Merrimac shall pay annually to the town of Amesbury, two-fifths of the amount paid by said town of Amesbury, for the maintenance of the Essex Merrimac and Rock's bridges, until such time as a new apportionment shall be made, or a different method adopted for the maintenance of said bridges.

Support of Essex Merrimac and Rock's bridges.

SECTION 5. All suits or proceedings at law or in equity, where the cause of action in favor of or against the town of Amesbury arose before the passage of this act, may be instituted and prosecuted, or defended, as the case may be, by either or both of the towns of Amesbury and Merrimac in the name of the town of Amesbury or of the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Amesbury might have instituted and prosecuted or defended such suits or proceedings if this act had not been passed; and the net amount recovered by said town of Amesbury, after deducting all costs and expenses, or the amount ascertained to be due from said town in any such suit or proceeding, shall be divided between the towns of Amesbury and Merrimac in the proportion that the public property and debts of the town of Amesbury are required to be divided by this act: *provided*, that neither of said towns shall be liable for costs to the other, unless it appears in the suit; nor shall either town, unless it appears in the suit, be liable for costs to the defendant therein, but only that town which appears shall be so liable for costs; and *provided, further*, that nothing in this section shall be construed to relieve the town of Merrimac from paying to the town of Amesbury the proportionate part prescribed by this act of costs and expenses

Suits may be prosecuted or defended by Amesbury or Merrimac, where cause of action arose before passage of this act.

Provisos.

incurred before the passage of this act in any suit or proceeding pending at the time of said passage, in like manner as is provided in this act for other debts of the town of Amesbury.

Division of corporate property and public debt.

SECTION 6. The corporate property belonging to said town of Amesbury at the passage of this act, and the public debt of said town existing at said date, shall be divided between said towns of Amesbury and Merrimac in the following manner, viz.: said town of Merrimac shall receive two-fifths of said corporate property and shall pay two-fifths of said public debts, the remaining three-fifths of said property to be received, and the remaining three-fifths of said debts to be paid by said town of Amesbury; and said town of Merrimac shall receive two-fifths of whatever amount may be hereafter refunded to said town of Amesbury from the state or the United States to reimburse said town of Amesbury for bounties to soldiers or state aid paid to soldiers' families, after deducting all reasonable expenses; and said town of Merrimac shall bear the expense of making the survey and establishing the line between said towns.

Reimbursement for state aid and bounties to soldiers.

Surplus revenue.

SECTION 7. The town of Merrimac shall pay to the town of Amesbury two-fifths of the "surplus revenue" whenever payment of the same shall be called for by the government of the United States.

Merrimac to remain a part of sixth congressional district.

SECTION 8. The town of Merrimac, until otherwise provided by law, shall continue to be a part of the sixth congressional district, and the voters of said town shall vote for representatives to congress at meetings in said town legally called for the purpose.

Election of state officers.

SECTION 9. The town of Merrimac, until the expiration of the present political year, for the purposes of any appointment or election which may be had to fill a vacancy arising in the council, senate or house of representatives, shall continue to be a part of the fifth council district, of the fourth Essex senatorial district, and of the first Essex representative district; and in any election to fill such vacancy the voters of the town of Merrimac shall vote at meetings in said town, legally called for that purpose; and in case a new election is ordered during the present political year to fill a vacancy in the house of representatives for the first Essex representative district, the clerk of the town of Merrimac shall meet with the clerks of the towns of Amesbury, Salisbury and West Newbury, for the purpose of ascertaining the result of said election

and of making certificates of the same at a meeting to be held at noon on the day following said election, or at any adjournment of said meeting, according to law, at the town clerk's office in Amesbury.

SECTION 10. In all elections held within the present political year, or afterwards, for members of the council or senate, or for representatives to the general court, for terms of service beginning after the expiration of the present political year, the town of Merrimac shall be a part of the same council, senatorial or representative district as that in which the town of Amesbury may be lawfully placed; and the voters of the town of Merrimac shall vote in such elections at meetings in said town legally called for the purpose; and the clerk of the town of Merrimac shall meet with the clerk of the town of Amesbury, and the clerks of any other town or towns which may be included in the same district therewith, for the purpose of ascertaining the result of said election and of making certificates of the same, at a meeting to be held at noon on the day following said election, or at any adjournment of said meeting, according to law, at such place as may be duly appointed.

Amesbury and Merrimac to be in same districts for election of state officers.

SECTION 11. Any justice of the peace within and for the county of Essex, may issue his warrant, directed to any inhabitant of the town of Merrimac, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the county of Essex, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Merrimac seven days at least before such time of meeting. Such justice, or in his absence such individual required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the town of Amesbury shall, before said meeting, prepare a list of voters in said town of Merrimac qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

First meeting for election of town officers.

SECTION 12. This act shall take effect upon its passage.

Approved April 11, 1876.

Chap. 132 AN ACT AUTHORIZING AN EXCHANGE OF THE BONDS OF THE SALEM
• STREET RAILWAY.

Be it enacted, &c., as follows :

Salem Street
Railway bonds
may be ex-
changed.

SECTION 1. The franchise and property of the Salem Street Railway, conveyed in mortgage to trustees, to hold the same as security for the bonds of said company, issued in its present name, or in the name of the Salem and South Danvers Railroad Company, shall be held and applied in like manner as security for such of the bonds of the Naumkeag Street Railway Company as may be exchanged for any of said bonds of the Salem Street Railway, issued under either of said names ; and said security shall be in addition to the security already held in trust for the bonds of the Naumkeag Street Railway Company.

Bonds received
in exchange to
be cancelled.

SECTION 2. The bonds received in exchange, as aforesaid, shall be cancelled and delivered up to said trustees, who shall certify thereon that they are cancelled as aforesaid ; and a certificate setting forth the fact and date of said exchange, and signed by one of said trustees, shall be made upon each one of the bonds of the Naumkeag Street Railway Company given in exchange therefor.

Bondholders'
rights not to be
affected.

SECTION 3. Nothing in this act shall be construed to diminish the security or affect the rights of the holder of any bond of the Salem Street Railway, who may not choose to make an exchange under this act.

Subject to
acceptance by
stockholders.

SECTION 4. This act shall take effect when accepted by a majority of the stockholders of the Salem Street Railway, present at a meeting called for that purpose.

Approved April 11, 1876.

Chap. 133 AN ACT TO AUTHORIZE TOWNS AND CITIES TO ESTABLISH SINKING
FUNDS FOR THE PAYMENT OF INDEBTEDNESS INCURRED BY SUB-
SCRIPTIONS FOR THE CAPITAL STOCK AND SECURITIES OF RAIL-
ROAD CORPORATIONS.

Be it enacted, &c., as follows :

Sinking fund
may be estab-
lished to meet
payment of
debts incurred
for railroad
stock.

SECTION 1. Any town or city owing debts incurred to obtain funds for one or more subscriptions for the capital stock and securities of any railroad corporation, may, for the purpose of paying the same, establish a sinking fund, which shall be subject to the provisions of section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and may contribute thereto any sums which it may receive from the sales of such stock or securities, or from any dividends or interest upon the same, or from taxes which it may vote to raise for the

payment of such indebtedness; and such town or city may transfer the custody and management of such stock and securities to the commissioners of the sinking fund provided for by this act.

SECTION 2. Any town or city having a sinking fund for the payment of its general indebtedness, under the provisions of said chapter two hundred and nine, may, by a vote of the inhabitants of said town, or of the city council of said city, provide that the commissioners of sinking funds elected under said act shall be the commissioners of the sinking fund under this act.

Commissioners
of sinking funds.

SECTION 3. Any town or city owing debts described in section one of this act, shall annually raise by taxation a sum sufficient to pay the interest on the same, or, if there is any income derived from the capital stock or securities owned by such town or city as aforesaid, a sum sufficient to pay the excess of such interest payable by said town or city over such income; and the assessors thereof shall assess such sum in the manner provided by section one of said chapter two hundred and nine, and shall also assess, in the manner aforesaid, such further sum as the inhabitants of said town, or city council of said city may vote to raise by taxation for the purpose of paying the principal of the indebtedness incurred by such subscriptions; and the remedies provided by sections one and eleven of said chapter shall be applicable to proceedings under this act.

Towns to raise
by taxation suf-
ficient to pay
interest of debt.

Approved April 11, 1876.

AN ACT TO PROVIDE ADDITIONAL TERMINAL FACILITIES IN SPRINGFIELD FOR THE SPRINGFIELD, ATHOL AND NORTH-EASTERN RAILROAD AND THE SPRINGFIELD AND NEW LONDON RAILROAD.

Chap. 134

Be it enacted, &c., as follows:

The Springfield and New London Railroad Company and the Springfield, Athol and North-Eastern Railroad Company, or any lessee lawfully operating the railroad of either of said corporations, may enter upon and use the road of the Boston and Albany Railroad Company with passenger trains between the junction of the roads of the two first named corporations and the passenger station of the Boston and Albany Railroad Company in Springfield, and may have suitable accommodations at said station for said trains and for passengers: *provided*, that the board of railroad commissioners after hearing the parties in interest shall adjudge such entering upon and use of the road

Terminal
facilities for
railroads in
Springfield.

Proviso.

and passenger station of said Boston and Albany Railroad to be necessary and desirable, and shall fix a reasonable compensation to be paid therefor. *Approved April 11, 1876.*

Chap. 135 AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO PURCHASE THE RAILROAD OF THE FALL RIVER, WARREN AND PROVIDENCE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Old Colony Railroad may purchase the Fall River, Warren and Providence Railroad.

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchise and property of the Fall River, Warren and Providence Railroad Company; and the said Fall River, Warren and Providence Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its franchises and property, and all the rights, easements, privileges and powers granted to it; and the said Old Colony Railroad Company shall, upon such conveyance being made to it under the provisions of this section, have and enjoy all the rights, powers, privileges, easements, franchises and property of said Fall River, Warren and Providence Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid, unless agreed to by the directors of the last named corporation and approved by a majority of the votes at a meeting of the stockholders of said last named corporation called for that purpose, and by the board of railroad commissioners.

Proviso.

May purchase railroad if sold under provisions of mortgage.

SECTION 2. In case of a sale of the railroad, franchise and property of the said Fall River, Warren and Providence Railroad Company, under the provisions of the mortgage authorized by chapter one hundred and ninety-eight of the acts of the year eighteen hundred and seventy-three, the Old Colony Railroad Company is authorized to become the purchaser at such sale, and in case it shall so purchase, may thereafter maintain and operate the said railroad.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1876.

Chap. 136 AN ACT TO EMPOWER THE CITY OF BOSTON TO LAY AND MAINTAIN A MAIN SEWER DISCHARGING AT MOON ISLAND IN BOSTON HARBOR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

City of Boston may maintain a main sewer discharging at Moon Island.

SECTION 1. The city of Boston shall have authority, in addition to the powers now possessed by it, for the purpose of laying and maintaining a main sewer running

south-easterly from the direction of Charles River, to build and maintain wharves, pumping works and reservoirs for said sewer, on the main land, at or near the mouth of Neponset River, thence to conduct said sewer, by means of a siphon or tunnel under the bottom of the harbor, at or near the mouth of said river, to that part of the town of Quincy called Squantum, thence along or across said Squantum and the flats adjacent thereto, to Moon Island. Said city shall also have authority to build and maintain a reservoir or reservoirs at Moon Island, and other works essential to a proper and convenient discharge of the contents of said sewer. In any construction over tide water said city shall be subject to the direction of the harbor commissioners in the manner pointed out in chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

SECTION 2. The city of Boston shall have authority to take such lands, buildings, wharves and structures as may be necessary to accomplish the objects of the preceding section; and all damages to private property, or for lands, buildings, wharves or structures taken under this act, shall be ascertained as prescribed in chapter forty-three of the General Statutes, and paid by the city of Boston.

May take lands,
wharves, etc.

SECTION 3. The city of Boston and the town of Brookline may contract with each other for the use and support in common of the city sewer now constructed in Beacon Street in Boston and leading into Charles River, and for the building by said town at its sole expense within the limits of said city, of a sewer about nine hundred feet in length from the town line to connect the town drains with such city sewer, and for the support, at the joint and equal expense of each, of the outlet of the sewer and the carrying the same out farther into Charles River if necessary; they may also contract with each other for the building and support in common of a new covered channel for Muddy River, such new channel to run from Tremont Street along the line of division between said city and town and to empty into the present channel of Muddy River east of Aspinwall Avenue; if it shall be necessary to take land for the purpose of carrying out the provisions of this section, said city and said town, each within its own territory, may take such land as may be necessary, and persons aggrieved by such taking shall have their damages ascertained and paid, and all the proceedings

Sewer may be
used in common
by Boston and
Brookline by
agreement.

Covered channel
for Muddy
River.

shall be conducted in conformity to the laws applicable to the laying out of town ways in said town, and highways in said city.

Approved April 11, 1876.

Chap. 137 AN ACT TO PREVENT THE RECURRENCE AND SPREAD OF SPANISH FEVER, OR TEXAS CATTLE DISEASE, IN THIS STATE.

Be it enacted, &c., as follows :

Texas cattle not to be brought into State between May 15th and November 1st.

Proviso.

To be deemed Texas cattle when so known by dealers.

Commissioners to enforce provisions of this act.

SECTION 1. Any person, company or corporation which shall drive or transport into this Commonwealth any Texas or Cherokee cattle between the fifteenth day of May and the first day of November of any year, shall be punished for such offence by a fine of not less than twenty, nor more than one hundred dollars, for each animal so transported or driven: *provided*, that if the person, company or corporation so driving or transporting such cattle, shall prove that the same have been kept in some place north of the Ohio or Missouri rivers from the first day of December to the first day of May next preceding such driving or transportation, then such person, company or corporation shall not be liable to the above penalty.

SECTION 2. For the purposes of this act, the term Texas or Cherokee cattle shall be construed to mean the native born and bred cattle of the states of Texas and Louisiana or that class or variety of cattle known and designated by that name, by traders and dealers in cattle.

SECTION 3. It shall be the duty of the board of cattle commissioners to carry out and enforce the provisions of this act, and they are hereby authorized to make all necessary regulations therefor.

Approved April 11, 1876.

Chap. 138 AN ACT TO INCORPORATE THE DEDHAM WATER COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

SECTION 1. Edward S. Rand, Jr., Waldo Colburn, Winslow Warren, Erastus Worthington, Royal O. Storrs, William Bullard, Ira Cleveland, Edward Stimson, Thomas Sherwin, Thomas L. Wakefield, J. P. Maynard, L. H. Kingsbury, F. D. Ely, John R. Bullard and Charles C. Loring, their associates and successors, are made a corporation, by the name of the Dedham Water Company, for the purpose of furnishing the inhabitants of Dedham with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force, relating to such corporations.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey through said town of Dedham, or any part thereof, the waters of Charles River, Buckmaster Pond, or any other natural pond or ponds, spring or springs, brook or brooks, within said town of Dedham; and may take and hold, by purchase or otherwise, any real or personal estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs, and may take and hold land in or around such river, ponds, springs or brooks, and around any storage or distributing reservoir as may be necessary (not exceeding five rods in width) to protect the same and secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for erecting any building for machinery to raise water or force it through the town or any part thereof; for constructing any reservoir; for erecting any dam or embankment, and for laying down and maintaining conduits and pipes, and constructing drains, aqueducts, hydrants and other works for collecting, conducting and distributing water among the inhabitants.

May take water from Charles River and Buckmaster Pond.

May take land for buildings and reservoirs.

Said corporation shall, within ninety days after taking such land, file in the registry of deeds, in the county of Norfolk, a description of the land so taken, sufficiently accurate for identification, together with a statement of the purpose for which said lands are taken, signed by the president of said corporation.

To file in the registry of deeds a description of the land taken.

SECTION 3. In case said corporation shall take the waters of Charles River under this act, they shall be limited to an amount of water not exceeding one million and a half gallons daily, and it shall be the duty of said corporation to provide some reliable means or method of measuring and registering the amount of water taken from Charles River, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river and said corporation shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed, upon the application of either party, by any justice of the supreme judicial court; and the said corporation may, by a vote thereof, declare the quantity proposed to be taken from Charles River, not exceeding one and a half million of gallons daily, such vote to be passed not less than six

Water taken from Charles River not to exceed one and a half million of gallons daily.

Water to be measured.

months before the waters shall be withdrawn from said river. And a copy of such vote being filed in the registry of deeds for Norfolk County within sixty days thereafter, the terms thereof shall be held to be the measure and limit of the right of said corporation to take or divert the waters of said river, under this act.

May construct
aqueducts and
maintain reser-
voirs.

SECTION 4. Said corporation may construct one or more permanent aqueducts from any of the sources before mentioned, into and through said town, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within said town; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purpose for which they may be used, and may change and discontinue the same; may distribute the water throughout the town; may regulate the use, and establish the price or rent therefor; may, for the purposes aforesaid, convey and conduct its conduits, pipes and drains over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hinderance to the travel thereon, and may, for such purposes, enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town of Dedham.

Assessment of
damages.

SECTION 5. Any person or corporation injured in property under this act and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the same manner as is provided in sections three, four and five of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two; but no assessment for damages shall be made for the taking of any water rights, or for any injury thereto until the water is actually withdrawn or diverted.

Capital stock
and shares.

SECTION 6. The capital stock of said corporation shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and said corporation may, at any time, issue bonds to an amount equal to the capital stock actually paid in.

Corporations
may hold stock.

SECTION 7. Manufacturing and other corporations doing business in said town of Dedham are authorized to subscribe for and hold stock of the Dedham Water Company.

SECTION 8. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for diverting water or rendering the same impure.

SECTION 9. The town of Dedham may take and hold twenty-five per centum of the capital stock of this corporation, and have its proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do by a two-thirds vote of the voters present and voting thereon at any legal meeting called for that purpose.

Town may hold twenty-five per cent. of capital stock.

SECTION 10. The town of Dedham shall have the right at any time, during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or at such a price as may be mutually agreed upon between said corporation and the said town of Dedham; and the said corporation is authorized to make sale of the same, and this authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at any annual meeting, or at a legal meeting called for that purpose.

May purchase corporate property at cost, or at price agreed upon.

SECTION 11. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Dedham, through its treasurer, may, from time to time, issue notes, scrip, or certificates of debt, to be denominated on the face thereof, "Dedham Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, scrip or certificates of debt, respectively. Said treasurer,

Town may issue water scrip not exceeding \$200,000.

under the authority of the town, may sell such notes, scrip or certificates, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations, and assess, from time to time, amounts not exceeding in one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as above, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

Powers and duties in case property is purchased.

SECTION 12. In case the town of Dedham shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants or agents, as the town may direct. And the town shall be liable to pay all damages for land, water or water-rights, taken for the purposes set forth in this act, which shall not have been previously paid by said corporation.

SECTION 13. This act shall take effect upon its passage.

Approved April 11, 1876.

Chap. 139 AN ACT IN RELATION TO RESERVOIRS AND LANDS CONNECTED WITH THE WATER SUPPLY OF CITIES AND TOWNS.

Be it enacted, &c., as follows :

Use of drive-ways, etc., appurtenant to reservoirs, may be regulated.

SECTION 1. Any city or town may regulate by suitable ordinances or by-laws, to be made in the manner now provided by law, with penalties not exceeding fifty dollars for each violation thereof, the use of reservoirs and land and drive-ways appurtenant thereto, forming a part of its system of water supply within its limits.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1876.

Chap. 140 AN ACT TO AUTHORIZE THE TOWN OF GREENFIELD TO RAISE MONEY TO REIMBURSE THE COMMONWEALTH FOR LAND TAKEN FOR A RAILROAD IN GREENFIELD.

Be it enacted, &c., as follows :

May raise money to reimburse state for land taken for railroad.

SECTION 1. The town of Greenfield is authorized to raise by taxation and to appropriate money, for the purpose of reimbursing the expenses to the Commonwealth for land taken, or that may be taken, for a roadway by the location of the Troy and Greenfield Railroad within

the limits of said town, excepting, however, the land belonging to the Connecticut River Railroad.

SECTION 2. Said town is hereby authorized to raise by loans or taxes, any sums of money which shall be required for the purpose expressed in section one.

May raise money by loans or taxes.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1876.

AN ACT RELATING TO THE CLERKS OF THE POLICE COURTS OF
CHELSEA AND SPRINGFIELD. *Chap. 141*

Be it enacted, &c., as follows:

SECTION 1. Instead of the election of a clerk of the police court of Chelsea at the next municipal election in Chelsea as now required by law, a clerk of said court shall be appointed and commissioned by the governor for the term of five years from the first day of January next, and thereafter for successive terms of the same length, if the office of such clerk shall then exist.

Clerk of police court in Chelsea to be appointed by governor.

SECTION 2. Instead of the election of a clerk of the police court of Springfield at the next municipal election in Springfield as now required by law, a clerk of said court shall be appointed and commissioned by the governor for the term of five years from the first day of January next, and thereafter for successive terms of the same length, if the office of such clerk shall then exist.

Clerk of police court in Springfield to be appointed by governor.

SECTION 3. The clerks of said courts now in office shall hold their offices until successors are appointed and qualified. Vacancies shall be filled by appointment in the manner above provided.

Clerks to hold office until successors are appointed.

SECTION 4. All acts and parts of acts inconsistent herewith shall not apply to the clerks of said courts, but all other provisions of law in force relating to clerks of police courts shall be applicable to the clerks of said police courts of Chelsea and Springfield.

Provisions of law applicable.

SECTION 5. So much of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and sixty-six and of chapter one hundred and sixty-three of the acts of the year eighteen hundred and seventy-two and of chapter two hundred and one of the acts of the year eighteen hundred and seventy-four as requires an election of clerks of police courts in said Chelsea and Springfield, is hereby repealed.

Repeal.

Approved April 12, 1876.

Chap. 142 AN ACT TO INCORPORATE THE MASSACHUSETTS FAMILY BANK.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Elizur Wright, William Claflin, F. W. Bird, Samuel E. Sewall, John Botume, Jr., Thomas J. Lee, their associates and successors, are hereby made a corporation by the name of the Massachusetts Family Bank, to be located in the city of Boston, for the purposes of insuring lives under policies stipulating cash surrender values, and of receiving and investing savings, subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force in relation to life insurance companies, so far as relates to its life insurance business, including the election of officers ; and to savings banks, so far as relates to its business as a savings bank, except as hereinafter specially provided.

Name and purpose.

Capital stock and shares.

SECTION 2. There shall be a capital stock of five hundred thousand dollars, in shares of fifty dollars each, which shall be restricted to a semi-annual dividend, never to exceed four per cent. No life-insurance policy shall be issued, nor any deposit received, till the whole of said capital stock has been subscribed, paid in and invested, and such fact is certified by the insurance commissioner.

All transactions to be upon a gold basis.

SECTION 3. All transactions of the bank shall be, and in all contracts, policies, other instruments and accounts shall be expressed to be, in the gold coins of the United States, and no paper or promissory currency shall be received or paid, except at its market value in such coins at the date of such receipt or payment.

Investments and loans.

SECTION 4. All investments shall be regulated by the general statute in regard to savings banks, with this additional provision : that in so far as loans can be made on the security of real estate, applicants for loans whose lives are insured by the bank, if offering equally satisfactory security, shall have preference over all others.

Bank may establish branch offices.

SECTION 5. The bank may establish branch offices to facilitate the collection and transmission of insurance premiums, the expense of which branch offices shall in no case exceed two and one-half per cent. of the premium received and transmitted by them, but it shall pay no commissions on premiums or deposits, nor any fee for the medical examination of applicants for insurance.

Policies of life insurance.

SECTION 6. The bank shall issue no policy of insurance extending beyond the age of seventy-five, and none which does not have the surrender value in cash at the end

of each and every policy year distinctly stipulated therein and the minimum surrender value to be stipulated in every policy by the bank, payable at the end of any policy year in its term, shall be the legal reserve or net value of the policy at the date of surrender, as ascertained by the combined experience table of mortality, and four per cent. interest, less a surrender charge of six per cent. of the present value of the future insurance to be done under the policy, if continued, and in consideration of such stipulation, and the payment, in all cases of lapse, surrender or cancellation, of such surrender value in cash, the bank shall be wholly exempt from the obligations imposed by chapter one hundred and eighty-six of the acts of the year eighteen hundred and sixty-one.

SECTION 7. Payments of premiums on insurance policies shall only be made yearly, for one year and no more, and the three elements of the premium for each year, viz. : first, the margin for expenses and excess of loss ; second, the normal cost of the bank's risk for the year ; and third, the self-insurance deposit, shall be kept distinct from each other on the books of the bank, being pre-calculated and determined by the "combined experience" or "actuaries" table of mortality with interest at four per cent. ; and in consideration of this method of keeping its accounts, the bank shall be required to return annually to the insurance commissioner, as its liability on its policies, one-half of the insurance premiums of the year, being margins and normal cost of risks, together with the whole of the self-insurance fund and deposits of the year, discounted half a year at four per centum, and such return, subject to the inspection of the books by the insurance commissioner, shall be in lieu of the return of the data of the policies for valuation by the commissioner.

Payments of
premiums.

SECTION 8. All deposits made independently of life-insurance policies shall be entered in a special and separate set of books and credited on the pass-books of the depositors, as in ordinary savings banks, and no such deposit shall ever be used in the life-insurance part of the business, except to pay a premium falling due on a policy held by the depositor himself.

Deposits.

SECTION 9. All surrender charges paid to or retained by the bank on the cancellation of policies, none of which shall exceed six per cent. of the insurance value of the policy at the date of surrender, shall be credited to a dis-

Surrender
charge fund to
be established.

tinct fund, called the surrender charge fund, which shall accumulate at the current interest, and be held in addition to the legal four per cent. reserve, and not as any part thereof, and shall be drawn upon only at the end of a fiscal year in which the actual death claims have exceeded the normal, and only to the extent of such excess.

No stockholder to cast more than thirty votes.

SECTION 10. The control of the corporation shall be vested in the stockholders, each share of the stock being entitled to one vote, but no person, either in person or by proxy shall cast more than thirty votes.

Dividends.

SECTION 11. At the end of every fiscal year, after providing for all debts and liabilities, including those on the policies, as hereinbefore defined, and all independent deposits, with the interest accrued on the same, there shall be declared out of any surplus that may exist, a dividend to the capital stock not to exceed eight per cent. thereon, one-half payable down and the other half at the end of six months. But any profit to the capital stock over the profit of its own investment, shall come wholly from the insurance done by the bank, and no part of it from the interest of the self-insurance fund, or from that of the independent deposits.

Surplus earnings and interest to be distributed among policy-holders.

SECTION 12. After declaring the dividend to the stock, any remaining surplus from the insurance business, together with the surplus interest from the self-insurance fund, shall be distributed among the policy-holders according as their insurance premiums and self-insurance deposits have contributed to produce it, and the shares shall be payable at the next settlement of annual premium in reduction thereof. On the independent deposits, depositors shall receive interest, to be fixed by the by-laws of the bank, as in ordinary savings banks.

Subject to provisions of 1865, 283, and 1868, 315.

SECTION 13. Said corporation shall be subject, as an insurance company, to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and the acts in amendment thereof, and in addition thereto; and shall also be subject, as a savings bank, to the provisions of chapter three hundred and fifteen of the acts of the year eighteen hundred and sixty-eight.

Approved April 17, 1876.

AN ACT TO FURTHER DEFINE THE DUTIES OF COUNTY TREASURERS. *Chap. 143*
Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of county treasurers having cash funds in their hands beyond what shall be required for immediate use, to make deposit thereof in one or more national banks at such rates of interest as may be practicable, and all interest received on such deposits shall be paid into the county treasury.

County treasurers to deposit funds in banks and pay interest into treasury.

SECTION 2. In all cases where a time is fixed for the payment of moneys due the county, the persons, cities, towns or corporations from whom such moneys are due, shall pay interest to the county at the rate of twelve per cent. per annum for the period which may elapse after such time until the time of payment: *provided*, that notice shall be given by the county treasurer to such persons, cities, towns or corporations, seven days at least previous to the time fixed, and all sums of interest received by the county treasurer shall be paid into the county treasury.

Twelve per cent. interest to be charged upon moneys overdue.

Proviso.

SECTION 3. This act shall take effect upon the first day of May in the year eighteen hundred and seventy-six.

To take effect May 1, 1876.

Approved April 17, 1876.

AN ACT TO AMEND AN ACT TO INCORPORATE THE BUTCHERS' SLAUGHTERING AND MELTING ASSOCIATION IN BRIGHTON. *Chap. 144*
Be it enacted, &c., as follows:

SECTION 1. Section six of chapter three hundred and sixty-five of the acts of the year eighteen hundred and seventy is hereby repealed; and sections two and four of said act are hereby amended by striking out the words "state board of health" where they occur in said sections and substituting in place thereof, board of health of the city of Boston.

Amendment to 1870, 365, § 6.

SECTION 2. From and after the first day of June in the year eighteen hundred and seventy-six the business of slaughtering shall not be conducted within the limits of the city of Boston except upon the premises of the Butchers' Slaughtering and Melting Association in said city.

Slaughtering to be done only at premises of association.

SECTION 3. The said association shall, within a reasonable time, slaughter all cattle, sheep and calves which may be brought to their premises for that purpose by persons not occupying tenements therein, whenever the accommodations under their control on said premises will permit. They shall also prepare the meat and other products of such animals for the market. They may charge, in addition to the offal from said animal, such price per head as

Association to slaughter all cattle, etc., brought to them.

may be mutually agreed upon; and, in case of disagreement as to price, the same shall be fixed by the board of health of the city of Boston.

Boston Board of
Health to ap-
point inspectors.

SECTION 4. Said board of health of the city of Boston is hereby authorized to appoint one or more inspectors, to see that the rules and regulations for the conduct of the business of the association for the time being are fully obeyed by said association and their tenants; and also to see that none but healthy animals are slaughtered; the salary or salaries of said inspector or inspectors to be established by the city council of said city of Boston. The said inspector or inspectors shall at all times have access to the premises of said association and any building thereon and also to the premises, yards or cars of any railroad company within the city of Boston for the purposes of examination, inspection and seizure of any meat or animals unfit for human food.

To prevent
slaughter of
animals unfit
for food.

SECTION 5. Said board of health of the city of Boston is hereby authorized to make whatever regulations may seem to them fit in order to prevent the slaughter and sale of animals unfit for human food.

Approved April 17, 1876.

Chap. 145 AN ACT TO RENEW THE APPROPRIATION IN RELATION TO THE FLATS, MEADOWS AND BEACHES ON EAST HARBOR CREEK IN PROVINCETOWN AND TRURO.

Be it enacted, &c., as follows:

Appropriation
renewed.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding the unexpended balance of the appropriation made by chapter thirty-four of the resolves of the year eighteen hundred and seventy-four, entitled "Resolve in relation to the flats, meadows and beaches on East Harbor Creek in Provincetown and Truro," to be expended for the purposes authorized by said resolve.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1876.

Chap. 146 AN ACT TO CONFIRM THE ACTS AND DOINGS OF WILLIAM B. HARDING AS ASSISTANT CLERK OF THE CENTRAL DISTRICT COURT OF WORCESTER.

Be it enacted, &c., as follows:

Acts and doings
confirmed.

SECTION 1. All acts and duties done and performed by William B. Harding during the time that he acted as clerk of the central district court of Worcester, under the name of assistant clerk, by appointment of Theodore S. Johnson, clerk of said court, are hereby confirmed and made

valid and binding upon all parties, as if said acts and duties had been done and performed by said Theodore S. Johnson, the clerk of said court.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1876.

AN ACT TO ESTABLISH A COMMON TIME FOR GRANTING CERTAIN LICENSES, AND TO SECURE A MORE PERFECT RECORD OF SUCH LICENSES AND THEIR REVOCATION.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. Licenses granted to keepers of intelligence offices, dealers in junk, old metals and second-hand articles, pawnbrokers and keepers of billiard-saloons and bowling-alleys, under chapter eighty-eight of the General Statutes, shall be signed by the clerk of the city or town in which they are granted, and every such license shall be recorded by such clerk in a book kept for that purpose before being delivered to the licensee; such license shall set forth the name of the person licensed, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until the first day of May next ensuing, unless sooner revoked, as provided in said chapter. The clerk issuing any such license shall be entitled to receive for the use of the city or town for each license the sum of two dollars.

Licenses to be signed by city or town clerk and to be recorded.

To set forth name of person, nature of business, etc.

Fee for license.

SECTION 2. Such licenses may be granted at any time during the month of April, to take effect on the first day of May then next ensuing, and after the first day of May they may be granted for the remainder of the year ending on the first day of the following May.

Licenses to expire on first day of May.

SECTION 3. No license issued as aforesaid shall be valid to protect the licensee in any building or place other than that designated in the license, unless consent to removal be granted by the mayor and aldermen or selectmen.

Business to be conducted at place designated in license.

SECTION 4. Whenever any such license shall be revoked the clerk of such city or town shall note such revocation upon the face of the record of the license, and shall give written notice of such revocation to the holder of the license, said notice to be delivered to him in person or left at the place of business designated in the license.

Revocation of license.

SECTION 5. So much of chapter eighty-eight of the General Statutes as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1876.

Chap. 148 AN ACT TO AMEND SECTION FIFTY-EIGHT OF CHAPTER ONE HUNDRED AND SEVENTY-EIGHT OF THE GENERAL STATUTES RELATIVE TO SUPPORTING PRISONERS.

Be it enacted, &c., as follows :

Support of
prisoners.
G. S. 178, § 58.

Section fifty-eight of chapter one hundred and seventy-eight of the General Statutes, is hereby amended by striking out after the word "sixty-five" in the seventh line, the words "and has no parent, master or kindred, liable by law to maintain him," and by adding at the end of the section the words, and any city or town paying such sum may recover the same of any parent, master or kindred by law liable to maintain him.

Approved April 17, 1876.

Chap. 149 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO LAY OUT AND CONSTRUCT A WAY, KNOWN AS PLEASANT STREET, THROUGH A PRIVATE BURIAL GROUND.

Be it enacted, &c., as follows :

City of Fall
River may lay
out a street
through burial
ground.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the street, or way, known as Pleasant Street, in and through the private burial ground located on the northerly side of said Pleasant Street, and being a part of the Carr Estate, so called : *provided*, that no burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until the remains shall have been removed to some other cemetery without expense to the owner of such burial lot.

Remains of the
dead to be re-
moved to an-
other cemetery.

Assessment of
damages.

SECTION 2. Said city shall be liable to the owners of said burial ground, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If the owners, or any one of them, sustaining damages as aforesaid, cannot agree with the city upon the amount of said damages, he or they may have said damages assessed in the same manner as provided in case of taking land for highways : *provided*, that any application for a jury to assess said damages, shall be made within one year after said damages are sustained.

Proviso.

Approved April 17, 1876.

Chap. 150 AN ACT TO PROVIDE FOR THE RELOCATION OF THE TROY AND GREENFIELD RAILROAD IN THE TOWNS OF GREENFIELD AND DEERFIELD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Troy and Green-
field Railroad
may enter upon
lands of Con-
necticut River Rail-
road, in Green-
field.

SECTION 1. The manager of the Troy and Greenfield Railroad and of the Hoosac Tunnel, with the approval of the governor and council, is hereby authorized to enter with said railroad upon the lands of the Connecticut River

Railroad at or near the passenger depot in said Greenfield, and pass with said road through said depot grounds in a direction southerly and westerly from said depot at the distance of sixty-six feet from the south-west corner of said building, and through the freight depot of the Connecticut River Railroad Company or westerly thereof to a point opposite to the northern terminus of the Vermont and Massachusetts Railroad in Greenfield, according to location filed in the office of the county clerk of the county of Franklin on the twenty-eighth day of March in the year eighteen hundred and fifty-four; and the said Vermont and Massachusetts Railroad Company is hereby authorized to relocate its road so far as may be necessary to continue the line from the point before specified in the same general direction till it intersects with its present centre line at or near Russell Street, and may also relocate its road in the town of Deerfield on the westerly side of said Connecticut River Railroad, and the said Vermont and Massachusetts Railroad Company is authorized to take the land therefor in the method prescribed by law in cases of land taken for railroad and station purposes.

Vermont and
Massachusetts
Railroad Com-
pany may relo-
cate its road.

SECTION 2. The Vermont and Massachusetts Railroad Company is hereby authorized to change the location of its railroad in the towns of Deerfield and Greenfield, so far as may be requisite and necessary to move its grade-crossing of the Connecticut River Railroad to any point which may be agreed upon with the Connecticut River Railroad Company between the site of the present crossing and the proposed intersection of the Troy and Greenfield Railroad with the Vermont and Massachusetts Railroad.

Vermont and
Massachusetts
Railroad may
change location.

SECTION 3. The Connecticut River Railroad Company and the Vermont and Massachusetts Railroad Company are hereby severally authorized to exchange with each other the whole or any parts of the lands covered by their respective locations between the present grade-crossing of the Connecticut River Railroad by the Vermont and Massachusetts Railroad, in the town of Deerfield, and the terminus of the Vermont and Massachusetts Railroad in the town of Greenfield. In case any such exchange of locations takes place by agreement between the two companies, the Connecticut River Railroad Company shall have and enjoy all the rights and privileges and be subject to all the duties which originally devolved upon the Vermont and Massachusetts Railroad Company by reason of

Connecticut
River and
Vermont and
Massachusetts
Railroad may
exchange lands.

such part of its location, and the Vermont and Massachusetts Railroad Company shall have and enjoy all the rights and privileges and be subject to all the duties which originally devolved upon the Connecticut River Railroad Company by reason of such part of its location. And each of the said corporations shall file its amended location with the clerk of Franklin County within one year after such exchanges take place.

Manager of
Troy and Green-
field Railroad
may change lo-
cation, etc., of
road.

SECTION 4. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel, with the approval of the governor and council, may change the location of or relocate said Troy and Greenfield Railroad in the town of Deerfield and locate the same in the town of Greenfield, as far as shall be deemed advisable to adapt it for the transmission of passengers and freight, and for this purpose said manager, with the approval of the governor and council, may lay out said road, and for the purpose of cuttings, embankments, and procuring stone and gravel, may purchase or otherwise take as much more land as may be necessary for the proper construction and security of the road, or may be at any time necessary for depot and station purposes, to the same extent as railroad corporations established by the laws of this Commonwealth are authorized to do, and he shall within one year file with the commissioners of the county of Franklin the location of the road as thus laid out, defining the courses, distances and boundaries of said road.

County commis-
sioners to deter-
mine, if agree-
ment cannot be
made.

SECTION 5. If said manager for the purpose of making or securing said road, or for station or depot purposes, requires land or materials, without the limits of the route fixed as aforesaid, and is unable to obtain the same by agreement with the owner, he may apply to the county commissioners for said county, who after notice to the owner, may prescribe the limits within which the same may be taken in the manner prescribed for railroad corporations, without his permission, and said manager shall file a location thereof within one year with the commissioners of said county defining the courses, distances and boundaries of the same.

Manager, etc.,
to have powers
conferred by
general railroad
act.

SECTION 6. Said manager under the direction of the governor and council and with their approval, shall have and exercise the power and authority conferred upon railroad corporations by the "general railroad act" approved in the year one thousand eight hundred and seventy-four,

for the purposes expressed in this act and the act to which this is in addition, and shall pay all damages occasioned by laying out, making, locating and relocating said railroad, or by taking any lands or materials therefor; and such damages shall upon the application of either party, be estimated by the county commissioners in the manner provided in laying out highways, when said manager is not able to obtain by agreement with the owner, the land or materials necessary for the purposes of the road, which damages said manager, with the advice and approval of the governor and council, is authorized in behalf of the Commonwealth to settle and pay, or refer to arbitration. Either party, if dissatisfied with the estimate of the commissioners, may at any time within one year after it is completed and returned, apply for a jury to assess the damages. The proceedings thereupon shall be the same as is provided for the recovery of damages in the laying out of highways, the prevailing party to recover legal costs as provided by section sixty-eight of the general railroad act.

Party dissatisfied may apply for a jury to assess damages.

SECTION 7. The changes of location and the relocations of the Troy and Greenfield Railroad under chapter four hundred and three of the acts of the year eighteen hundred and seventy-four and chapter seventy-seven of the acts of the year eighteen hundred and seventy-five are hereby ratified and confirmed, reserving to all parties all existing claims for damages.

Changes of location ratified and confirmed.

SECTION 8. This act shall take effect upon its passage. *

Approved April 17, 1876.

AN ACT TO ESTABLISH THE SALARY OF THE CHIEF OF THE BUREAU OF STATISTICS OF LABOR AND OF A CLERK OF SAID BUREAU.

Chap. 151

Be it enacted, &c., as follows:

SECTION 1. The salary of the chief of the bureau of statistics of labor shall be two thousand five hundred dollars per annum.

Salaries—
Chief of bureau.

SECTION 2. The chief of the bureau of statistics on the subject of labor is hereby authorized to appoint a first clerk, in place of a deputy, as provided by chapter one hundred and two of the resolves of the year one thousand eight hundred and sixty-nine, at a salary of fifteen hundred dollars per annum, said salary to be paid from the appropriation made for the payment of the salary of the deputy-chief of said bureau.

First clerk.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1876.

Chap. 152 AN ACT REGULATING THE SALARY OF THE ENGINEER, WATCHMEN AND FIREMEN AT THE STATE HOUSE.

Be it enacted, &c., as follows :

Salaries—
Engineer.

SECTION 1. The salary of the engineer at the state house shall be fifteen hundred dollars per annum.

Watchmen.

SECTION 2. The salary of the four watchmen employed at the state house shall be thirteen hundred dollars each per annum: *provided*, they perform the duties of messenger required by the sergeant-at-arms.

Assistant watch-
man.

SECTION 3. The salary of the assistant watchman at the state house shall not exceed one thousand dollars per annum.

Fireman.

SECTION 4. The salary of the fireman at the state house shall not exceed eight hundred dollars per annum.

Assistant fire-
man.

SECTION 5. The salary of the assistant fireman for such time as he may be employed, shall not exceed two dollars and fifty cents per day.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 21, 1876.

Chap. 153 AN ACT TO ESTABLISH THE SALARIES OF THE SERGEANT-AT-ARMS, DOORKEEPERS, ASSISTANT DOORKEEPERS, POSTMASTER, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, &c., as follows :

Salaries—
Sergeant-at-
arms.

SECTION 1. The salary of the sergeant-at-arms shall be twenty-five hundred dollars per annum.

Doorkeepers.

SECTION 2. The salary of the doorkeepers and assistant doorkeepers shall be five dollars for each day's service, and one hundred dollars in addition.

Postmaster.

SECTION 3. The salary of the postmaster shall be five dollars for each day's service, and one hundred dollars in addition.

Messengers.

SECTION 4. The salary of the messengers of the senate and house of representatives shall be five dollars for each day's service.

Pages.

SECTION 5. The salary of the pages of the senate and house of representatives shall be three dollars for each day's service.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 21, 1876.

AN ACT RELATING TO CERTAIN EMPLOYÉS IN THE DEPARTMENT OF THE TREASURER AND RECEIVER-GENERAL OF THE COMMONWEALTH. *Chap. 154*

Be it enacted, &c., as follows :

SECTION 1. The salary of the assistant clerk in the office of the treasurer and receiver-general shall not exceed eighteen hundred dollars per annum. *Salaries—Assistant clerk.*

SECTION 2. The salary of the two extra clerks in the office of the treasurer and receiver-general shall not exceed thirteen hundred dollars each per annum. *Extra clerks.*

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Repeal.*

SECTION 4. This act shall take effect upon its passage.

Approved April 21, 1876.

AN ACT TO FIX THE SALARIES OF THE DEPUTY TAX COMMISSIONER AND THE SEVERAL EMPLOYÉS IN THE TAX COMMISSIONER'S DEPARTMENT. *Chap. 155*

Be it enacted, &c., as follows :

SECTION 1. The deputy tax commissioner, who shall also be commissioner of corporations, and the several employés in the tax commissioner's department shall receive per year, and at the same rate for any fraction thereof, in full compensation for all services rendered by them the following sums, to wit:—The deputy tax commissioner, who is commissioner of corporations, in full of services in both offices, three thousand dollars; the first clerk, one thousand eight hundred dollars; the second clerk, one thousand three hundred dollars; extra clerks, not exceeding three in number, one thousand dollars each; and all other clerks who may be necessarily employed, a sum not exceeding eight hundred dollars each. *Salaries—Deputy tax commissioner. Clerks and extra clerks.*

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Repeal.*

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1876.

AN ACT ESTABLISHING THE SALARY OF THE AUDITOR AND OF THE CLERKS IN HIS DEPARTMENT. *Chap. 156*

Be it enacted, &c., as follows :

SECTION 1. The salary of the auditor of the Commonwealth shall be three thousand dollars per annum. *Salaries—Auditor.*

SECTION 2. The salary of the first clerk in the auditor's department shall be two thousand dollars per annum. *First clerk.*

SECTION 3. The salary of the second clerk of the auditor's department shall be eighteen hundred dollars per annum. *Second clerk.*

Extra clerks.

SECTION 4. The salary of the two extra clerks in the auditor's department shall not exceed thirteen hundred dollars each per annum.

Additional clerical assistance.

SECTION 5. The compensation for all other clerical assistance in the auditor's department shall not exceed, for the year or any fractional part thereof, the rate of eight hundred dollars per annum.

Repeal.

SECTION 6. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved April 21, 1876.

Chap. 157

AN ACT TO REGULATE LYING-IN HOSPITALS.

Be it enacted, &c., as follows :

Licenses may be issued for establishment of lying-in hospitals.

SECTION 1. The mayor and aldermen of any city or the selectmen of any town may license any person to establish or keep within their respective cities and towns a lying-in hospital, hospital ward or other place for the reception, care and treatment of women in labor: *provided*, that the board of health in such city or town shall first certify to the mayor and aldermen or selectmen that the person applying for such license is in their judgment a suitable person and that from the inspection and examination of such hospital, hospital ward or other place aforesaid by said board of health, the same is suitable and properly arranged and provided for such business.

To continue in force for two years.

SECTION 2. Such licenses shall continue in force for the term of two years, subject, however, to revocation by the mayor and aldermen or selectmen of the city or town.

Hospitals subject to inspection.

SECTION 3. Every hospital, hospital ward or other place established or kept by virtue of a license granted as hereinbefore provided, shall be subject to visitation and inspection by the board of health, the chief of police, the mayor of the city or selectmen of the town at any time, and any such hospital, hospital ward or other place which receives in a year more than six women as patients in labor, shall also be subject to visitation and inspection by the state board of health.

Penalties.

SECTION 4. Whoever establishes or keeps, or is concerned in establishing or keeping any hospital, hospital ward or other place for the purposes aforesaid, or whoever is engaged in any such business, without such license, shall for the first offence forfeit a sum not exceeding five hundred dollars, one-half of which forfeiture shall be paid to the complainant and the other half to the city or town, and

for any subsequent offence shall be punished by imprisonment in the jail or house of correction for a term not exceeding two years.

Approved April 21, 1876.

AN ACT FOR THE BETTER PROTECTION OF INFANTS.

Chap. 158

Be it enacted, &c., as follows :

SECTION 1. Whoever engages in the business of taking nursing infants or infants under three years of age to board, or of entertaining or boarding more than two such infants in the same house at the same time, shall within two days after the reception of each such infant beyond the first two, give written notice to the board of health of the city or town where such infant is so to be entertained or boarded, specifying the name and age of the child and the name and place of residence of the party so undertaking its care; and such board of health shall have the right to enter and inspect said house and premises while said business is being carried on, and to direct and enforce such sanitary measures respecting such children and premises as it may deem proper.

Persons taking infants to board to notify the board of health.

Board of health may inspect premises.

SECTION 2. Any person violating any of the provisions of this act, or refusing admission to such board of health for the purpose mentioned in the preceding section, shall, on conviction thereof, be punished by a fine of not less than fifty, nor more than five hundred dollars.

Penalties.

Approved April 21, 1876.

AN ACT TO AMEND SECTION SIXTEEN OF CHAPTER TWO HUNDRED AND SIXTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-TWO IN RELATION TO COMMITMENT OF PRISONERS TO LOCK-UPS.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. Section sixteen of chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-two, is hereby amended by striking out the words "misdemeanor or lesser offences" and inserting in the place thereof the words "bailable offence."

Commitment of prisoners to lock-ups.
1862, 216, § 16.

SECTION 2. No charge shall be made for the detention and support of persons committed to any lock-up except as provided in section seventeen of said chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-two.

No charge to be made for support, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1876.

Chap. 160 AN ACT IN RELATION TO THE INDUSTRIAL SCHOOL AT LAWRENCE.
Be it enacted, &c., as follows :

Directors may
bind out boys as
apprentices.

SECTION 1. The directors of the industrial school at Lawrence may bind out boys committed to the school, as apprentices or servants, until they become twenty-one years of age, or for a less term, and the directors, and master or mistress, apprentice or servant shall respectively have the rights and privileges and be subject to the duties set forth in chapter one hundred and eleven of the General Statutes, in the same manner as if such binding or apprenticing were made by overseers of the poor. In binding out boys, they shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, that they may secure to said boys the benefits of a good example and wholesome instruction, the sure means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, useful and happy citizens: *provided*, that this act shall only apply to boys sentenced for a longer term than two years.

Proviso.

Subject to ac-
ceptance.

SECTION 2. This act shall take effect when accepted by the city council of the city of Lawrence.

Approved April 21, 1876.

Chap. 161 AN ACT IN ADDITION TO AN ACT TO REGULATE THE FISHERY IN THE AGAWAM AND HALF-WAY POND RIVERS.

Be it enacted, &c., as follows :

Proceeds to be
divided equally
between Ply-
mouth and Aga-
wam.

SECTION 1. The committee annually chosen by the towns of Plymouth and Wareham to make sale of the privileges of taking the fish called alewives and shad in the Agawam and Half-Way Pond rivers in the county of Plymouth, shall pay to each of the treasurers of said towns one-half part of the whole amount of the money received by them from such sales, and all promissory notes taken for said sales shall be made payable to each of said treasurers in the proportion aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1876.

Chap. 162 AN ACT TO AUTHORIZE THE SEIZURE, DESTRUCTION OR SALE OF INTOXICATING LIQUORS EXPOSED AND KEPT FOR SALE CONTRARY TO LAW.

Be it enacted, &c., as follows :

Search warrant
to be issued
upon the com-
plaint of two
persons com-
petent to testify,
&c.

SECTION 1. If two persons, of full age and competent to testify, make complaint under oath or affirmation, before a justice of the peace or a police, municipal or district court, that they have reason to believe, and do believe, that any

spirituous or intoxicating liquor, described in the complaint, is kept or deposited by a person named in the complaint in a store, shop, warehouse, building, vehicle, steamboat, vessel or place, and intended for sale contrary to law, such justice or court, upon its appearing that there is probable cause to believe said complaint to be true, shall issue a warrant of search to any sheriff, deputy-sheriff, city marshal, chief of police, deputy chief of police, deputy marshal, state detective, police officer or constable, commanding him to search the premises in which it is alleged such liquor is deposited, and to seize such liquor, with the vessels in which it is contained, and securely keep the same until final action is had thereon, and return the warrant with his doings thereon, as soon as may be, to the same or some other justice or court having jurisdiction in the place where such liquor is alleged to be kept or deposited.

SECTION 2. No warrant shall issue for the search of a dwelling-house, unless a tavern, store, grocery, eating-house, or place of common resort is kept therein; and no warrant shall issue for the search of a dwelling-house, unless one of the complainants makes oath or affirmation that he has reason to believe, and does believe, that such liquor has been sold therein or taken therefrom for the purpose of being sold by the occupant, or by his consent or permission contrary to law, within one month next before making such complaint, and is then kept therein for sale contrary to law by the person complained against. The complainant shall in his oath or affirmation state the facts and circumstances on which such belief is founded, and such allegations shall be recited in the complaint and warrant.

When warrant may issue to search a dwelling-house.

SECTION 3. In all cases the complaint shall particularly designate so as to identify the building, structure and place to be searched, the liquors to be seized, the person by whom they are owned, kept or possessed, and intended for sale, and shall allege the intent of such person to sell the same contrary to law. The warrant shall be supported by the oath or affirmation of the complainants and shall allege that probable cause has been shown for the issuing thereof; and the place to be searched, the liquors to be seized, and the person believed to be the owner, possessor, or keeper of such liquors, intending to sell the same contrary to law, shall be set out therein by special designa-

Building or place to be searched shall be particularly designated.

tion and with the same particularity as in the complaint; and the offence both in the complaint and warrant shall be fully, plainly and substantially described, and the complainants shall be summoned to appear as witnesses.

Officer to search the premises and seize the liquor, etc., described in the warrant.

SECTION 4. The officer to whom the warrant is committed, shall proceed to search the premises and seize the liquor described in the warrant, with the casks or other vessels in which it is contained, if they are found in or upon said premises, and shall convey the same to some place of security, where he shall keep the liquor and vessels until final action is had thereon.

If value does not exceed \$50, keeper, etc., to be notified to show cause to justice why liquor should not be forfeited.

SECTION 5. If in the opinion of the justice or court before which the warrant is returned, the value of the liquor seized, with the vessels containing it, does not exceed fifty dollars, a written notice, under seal, and signed by the justice or by the justice or the clerk of said court, shall be issued within twenty-four hours after such seizure, commanding the person complained against as the keeper of the liquor seized, and all other persons claiming any interest therein, or in the casks or vessels containing the same, to appear before said justice or court, at a time and place therein named, to answer to said complaint, and show cause, if any they have, why such liquor, with the vessels containing it, should not be forfeited.

Notice to describe kind of vessels and quantity of liquor seized.

SECTION 6. The notice shall contain a description of the number and kind of vessels, the quantity and kind of liquor seized, as nearly as may be, and shall state when and where they were seized. It shall be served by any sheriff, deputy sheriff, constable, state detective, or police officer, upon the person charged with being the keeper thereof, by leaving an attested copy of the same with him personally or at his usual place of abode, if an inhabitant of this state, and by posting up an attested copy on the building in which the liquor was seized, if it was found in any building, otherwise in some public place in the city or town where the liquor was seized. The posting up of the notice, and the serving the same on the party complained of as keeper, shall not be less than fourteen days before the time appointed for the trial.

If notice not served trial may be postponed.

SECTION 7. If, at the time appointed for trial, said notice has not been duly served, or other sufficient cause appears, the trial may be postponed to some other day and place, and such further notice issued as shall supply any defect in the previous notice; and time and opportunity for trial and defence shall be given to persons interested.

SECTION 8. At the time and place designated in the notice, the person complained against, or any person claiming an interest in the liquor and vessels seized, or any part thereof, may appear and make his claim verbally or in writing, and a record of his appearance and claim shall be made, and he shall be admitted as a party on the trial. Whether a claim as aforesaid is made or not, the justice or court shall proceed to try, hear and determine the allegations of such complaint, and whether said liquor and vessels, or any part thereof, are forfeited. If it appears that the liquor, or any part thereof, was at the time of making the complaint owned or kept by the person alleged therein, for the purpose of being sold in violation of law, the court or justice shall render judgment that such and so much of the liquor so seized as was so unlawfully kept, and the vessels in which it is contained, be forfeited to the Commonwealth.

Claimants to liquors may be admitted parties on the trial.

SECTION 9. Any liquor so forfeited shall, by the authority of the written order of the justice or court, be delivered to the chief of the state detective force. Said officer shall sell the same, and pay over the net proceeds to the treasurer of the Commonwealth.

Forfeited liquors to be sold.

SECTION 10. If it is not proved on the trial that all or part of the liquor seized was kept or deposited for sale contrary to law, the justice or court shall issue a written order to the officer having the same in custody, to return so much thereof as was not proved to be so kept or deposited, with the vessels in which it is contained, to the place as nearly as may be from which it is taken, or to deliver the same to the person entitled to receive it; which order the officer, after executing the same, shall return to the justice or court with his doings indorsed thereon.

Liquors not forfeited, to be returned.

SECTION 11. If no person appears and is admitted as a party as aforesaid, or if judgment is rendered in favor of all the claimants who appear, the cost of the proceedings shall be paid as in other criminal cases. If only one party appearing fails to sustain his claim, he shall pay all the costs except the expense of seizing and keeping the liquor, and an execution shall be issued against him therefor. If judgment is rendered against two or more claimants, of distinct interests in the liquor, the costs shall, according to the discretion of the justice or court, be apportioned among such parties, and executions shall be issued against them severally. If such execution is not forthwith paid, the

Payment of costs.

Commitment to jail until fine and costs are paid.

defendant therein named shall be committed to the jail, and shall not be discharged therefrom until he has paid the same and the costs of commitment, or until he has been imprisoned thirty days.

Right of appeal.

SECTION 12. The person claiming any such liquors, whose claim is not allowed as aforesaid, and the person complained against, shall have the same right of appeal, and to the same court, as if he had been convicted of a crime; but before his appeal is allowed he shall recognize to the Commonwealth in the sum of two hundred dollars, with good and sufficient security or securities, to prosecute his appeal at the court appealed to and to abide the sentence of the court thereon; and upon such appeal any question of fact shall be tried by a jury. On the judgment of the court after verdict, whether of forfeiture of the whole or any part of the liquor and vessels seized, or otherwise, similar proceedings shall be had as are directed in the four preceding sections.

If value of liquor exceeds fifty dollars, notice to be returnable to superior court.

SECTION 13. If in the opinion of the justice or court before which a warrant is returnable under which any liquor has been seized, the value of the liquor seized with the vessel containing it exceeds fifty dollars, a notice shall be issued and served as directed in sections five and six, except that the same shall be made returnable to the term of the superior court to be held in the county next after the expiration of fourteen days from the time of issuing the notice. The court before which the notice is made returnable shall have jurisdiction of the case, and may proceed therein in the manner directed in sections seven, eight, nine, ten and eleven, as nearly as may be, and with a jury, upon any issue of facts presented by the claimant or directed by the court.

Arrest of person in act of selling illegally may be made without a warrant.

SECTION 14. Any mayor, alderman, selectman, deputy sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant marshal, police officer, state detective or constable, in his city or town, may without a warrant arrest any person whom he finds in the act of illegally selling or delivering intoxicating liquors, and seize the liquors, vessels and implements of sale, in the possession of said persons, and detain them in some place of safe keeping until warrants can be procured against said person and for the seizure of said liquor, vessels and implements, under the provisions of this act. The several officers aforesaid shall enforce or cause to be enforced the penalties

provided by law, against every person guilty of any violation of any law in relation to the sale of intoxicating liquors, of which they can obtain reasonable proof. If any sheriff, deputy sheriff, chief of police, deputy chief of police, constable, police officer or state detective, after being furnished with a written notice of any violation of the law in relation to the sale of intoxicating liquors, and the names of the witnesses, for two weeks neglects to institute proceedings thereon, any person who thereafter makes complaint shall be entitled to all fines imposed and collected for said violation.

SECTION 15. All intoxicating liquors kept for sale, and the implements and vessels actually used in selling and keeping the same, contrary to law, are declared to be common nuisances.

Common nuisances.

SECTION 16. Whenever any person shall be convicted of the illegal keeping or sale of intoxicating liquors, the court or magistrate before which such conviction shall be had, shall issue and cause to be served upon the owner of the building used for such illegal keeping or sale, if such owner reside within the jurisdiction of such court or magistrate and is not the person so convicted, a written notice, which shall recite that the tenant of said building has been convicted as aforesaid, and a return of the same shall be made to the court or magistrate issuing it; which notice, so served, shall be deemed to be due and sufficient notice under the provisions of section nine of chapter eighty-seven of the General Statutes.

Notice of conviction to be served upon owner of building.

SECTION 17. The following forms may be used in prosecutions for the illegal keeping and sale of intoxicating liquors, and if substantially followed, shall be deemed sufficient to fully and plainly, substantially and formally, describe the several offences in each of them set forth, and to authorize the lawful doings of the officers acting by virtue of the warrants issued in substantial conformity therewith; but this shall not be so construed as to prohibit the use of other suitable forms.

Forms for prosecutions.

Form of complaint to search for intoxicating liquor.

To search for intoxicating liquor.

COMMONWEALTH OF MASSACHUSETTS.

M , ss.
To N. C., Esquire, a justice of the peace within and for the county of M .

To search for
intoxicating
liquor.

J. S. and L. P., both of B , in said county of M , and both being of full age, and competent to testify, in behalf of the Commonwealth of Massachusetts, on oath, complain that they have reason to believe, and do believe, that intoxicating liquors, to wit:—

[Here describe the liquors, as a certain quantity of rum, being about, and not exceeding gallons; a certain quantity of gin, being about, and not exceeding, gallons, etc., according to the facts] on the day of , in the year one thousand eight hundred and , were, and still are kept and deposited by D. E., of said B , in a certain , situate [Here describe the building or other place, with particulars of its location sufficiently to identify it] in said B , and occupied by said D. E., and which liquors are intended by said D. E. for sale in this Commonwealth, said D. E. not being authorized to sell the same in this Commonwealth, or keep the same for sale, for any purpose, by any legal authority whatever, against the peace of the Commonwealth and the form of the statute in such case made and provided: and said complainants pray for a warrant to search said , described as aforesaid, for said liquors, and that the same may be declared to be forfeited, and that said D. E. and all other persons claiming an interest in said liquors, may be summoned to appear before said justice, or some other justice of the peace or court having jurisdiction of the case, to show cause, if any they have, why said liquors should not be declared forfeited. [If the place intended to be searched be a dwelling-house, and no tavern, store, grocery, eating-room or place of common resort be kept therein, the complaint should conclude as follows:—]

And I, J. S., one of the above complainants, on oath, say that I have reason to believe, and do believe, that intoxicating liquor, such as is above mentioned, has been sold in the house above mentioned (or has been taken from the house above mentioned for the purpose of being sold), by the occupant of said house, or with the consent and permission of the occupant of said house, contrary to law, within one month next before this day, and that said liquor above mentioned is now kept in said house for sale by D. E., contrary to law, and my belief aforesaid is founded on the following facts and circumstances:—

[Here let such facts and circumstances be stated.]

J. S.
L. P.

Received and sworn to at said B , before me, this day of , in the year one thousand eight hundred and ; and it appears to me that there is probable cause to believe the foregoing complaint to be true.

N. C., *Justice of the Peace.*

Form of Warrant to search a dwelling house and seize liquors therein unlawfully kept for sale. Warrant to search a dwelling house.

COMMONWEALTH OF MASSACHUSETTS.

M , ss.

To the sheriff of our county of M , or either of
[L. s.] his deputies or any constable of the town of B ,
in said county,

Greeting :

Whereas J. S. and L. P., both of said B , and both of full age, and competent to testify, on the day of , in the year one thousand eight hundred and , at said B , in behalf of the Commonwealth aforesaid, on oath complained to the undersigned, one of the justices of the peace within and for said county of M , that they have reason to believe, and do believe, that on the day of , in the year one thousand eight hundred and , at said B , intoxicating liquors, to wit:—

[Here describe the liquors, as in the complaint] are kept and deposited by D. E. of said B , in a certain , situate [Here describe the building or other place, as in the complaint] in said B , and occupied by said D. E. as a , and that said liquors were, and are, intended for sale by the said D. E., in this Commonwealth, contrary to law—he, said D. E., not being then and there authorized to sell or keep such liquors for sale in this Commonwealth for any purpose by any legal authority whatever, whereby said liquors have become liable to be forfeited.

[In case the place to be searched be a dwelling-house, and no tavern, store, grocery, eating-room, or place of common resort, be kept therein, the warrant should contain the following clause:—]

[And J. S., one of the said complainants, has duly made oath that he has reason to believe, and doth believe, that intoxicating liquors, such as are mentioned in the complaint, have been illegally sold in said house, within one month last past, by the occupant thereof, (or with the permission and consent of the occupant thereof, or have been taken from said house for the purpose of being sold,) contrary to law, within one month last past, and that such liquors are kept and deposited in said house, by said D. E., and intended for sale in this Commonwealth, contrary to law, and has, in his said oath, stated the following facts and circumstances on which his said belief was founded:—]

[Here let the facts and circumstances be repeated, as in the complaint.] And said complainants have also prayed that due process may issue to search for said liquors, and that such further proceeding may be had in the premises as to law and justice in that behalf may appertain; and whereas it appears to me, the

subscriber, on the complaint aforesaid, that probable cause has been shown for the issuing of a warrant of search thereupon:—

These, therefore, are to require you in the name of the Commonwealth, taking with you proper assistants, forthwith to enter the herein above described, and make diligent and careful search for all the liquors herein above described, and, if such liquors are found therein, to seize and convey the same and the vessels which contain such liquors, to some place of safety, and safely keep the same, to await the final action and decision of the court upon said complaint.

Herein fail not, and make due return of this warrant, with your doings thereon.

Witness my hand and seal at said B , this day of , in the year one thousand eight hundred and .

N. C., *Justice of the Peace.*

[In a warrant for searching any other place besides a dwelling-house, that part in the foregoing form which relates to the means of knowledge of the complainant that a sale had been made in the building should be omitted.]

Warrant to
serve notice
under §§ 5, 6.

Warrant to officer to serve under sections five and six.

COMMONWEALTH OF MASSACHUSETTS.

M , ss.

To the sheriff of our county of M , or either of his
[L. s.] deputies, or any constable of the town of B ,
in said county.

[If the seizure be made in a city, the warrant may be directed to the city marshal and other city officers authorized to serve it.]

You are hereby commanded to serve the annexed notice, by delivering an attested copy thereof into the hands of D. E. of B , in the county of M , or leaving an attested copy thereof at his usual place of abode, and also by posting up another attested copy thereof on .

[Here describe the building in which the liquor was seized, if it be found in any building; but if not found in any building, say in some public place in said town of B]; and you are hereby commanded to serve said copy on said D. E., and to post another copy as above directed, at least fourteen days before the day of , in the year one thousand eight hundred and .

Hereof fail not, and make due return of this warrant, with your doings thereon.

Witness my hand and seal at B , this day of , in the year one thousand eight hundred and .

N. C., *Justice of the Peace.*

Form of Notice under sections five and six to be annexed to the foregoing Warrant, and served as therein directed. Form of notice under §§ 5, 6.

To D. E., of B , in the county of M , and to any and all other persons claiming any interest in [twenty gallons of rum in a barrel, two gallons of gin in a demijohn, and in said barrel and demijohn, or as the case may be], which, by virtue of a warrant issued by me, have been seized [at the dwelling-house of said D. E., in said B , or as the case may be], on the day of , in the year eighteen hundred and , the value of which rum and gin, with the vessels containing them, does not in my opinion exceed fifty dollars.

You are hereby required to appear at [Here name the place for the hearing] in said B , at o'clock, M., on the day of in the year one thousand eight hundred and , to answer to the complaint against said liquors and the vessels containing them, and for trial, and to show cause, if any you have, why said liquors and the vessels containing them should not be forfeited for being kept for sale by said D. E., in violation of the laws of this Commonwealth.

Witness my hand at B , this day of , in the year one thousand eight hundred and .

N. C., *Justice of the Peace.*

Warrant to officer to serve notice under section thirteen.

Warrant to serve notice under § 13.

COMMONWEALTH OF MASSACHUSETTS.

M , ss.

To the sheriff of our county of M , or either of his [L. s.] deputies, or any constable of the town of B , in said county :—

[If the seizure be made in a city, the warrant may be directed to the city marshal and any other city officers authorized to serve it.]

You are hereby commanded to serve the annexed notice, by delivering an attested copy thereof into the hands of D. E., of B , in the county of M , or by leaving an attested copy thereof at his usual place of abode, and also by posting up another attested copy thereof on .

[Here describe the building in which the liquor was seized, if it be found in any building; but if not found in any building, add, in some public place in said town of B .] And you are hereby commanded to serve said copy on said D. E., and to post another copy as above directed, at least fourteen days before the day of , in the year eighteen hundred and .

Hereof fail not, and make return of this warrant, with your

doings thereon, before the justices of our superior court next to be holden at C , in and for our county of M , on the day of , in the year eighteen hundred and .

Witness my hand and seal at said B , this day of , in the year one thousand eight hundred and .

N. C., *Justice of the Peace.*

Form of notice
under § 13.

Form of Notice under section thirteen, to be annexed to the foregoing Warrant.

To D. E., of B , in the county of M , and to any and all other persons claiming any interest in [one hundred gallons of brandy in two hogsheads, and two gallons of gin in a demijohn, and in said hogsheads and demijohn, or as the case may be] which, by virtue of a warrant issued by me, have been seized [at the dwelling-house of said D. E., in said B , or as the case may be] on the day of , in the year one thousand eight hundred and , the value of which brandy and gin, with the vessels containing them, in my opinion, exceeds fifty dollars.

You are hereby required to appear before the justices of the superior court next to be holden at C , in said county of M , on the day of next, to answer to the complaint against said liquors and vessels containing them, and for trial, and to show cause, if any you have, why said liquors and vessels should not be forfeited for being kept for sale by D. E., in violation of the laws of this Commonwealth.

Witness my hand and seal at B , this day of , in the year one thousand eight hundred and .

N. C., *Justice of the Peace.*

Warrant to deliver liquor to chief of state detective force.

Form of Warrant to deliver liquor to the chief of the state detective force, and to sell the same.

COMMONWEALTH OF MASSACHUSETTS.

M , ss.

[L. s.] To L. M., deputy sheriff [here name the officer having the liquor in custody] and S. T., a person appointed by N. C., a justice of the peace for said county, to witness the destruction of said intoxicating liquors,

Greeting:

Whereas certain intoxicating liquors, to wit [ten gallons of gin in a barrel and four gallons of port wine in a demijohn, or as the case may be], have been declared forfeited by me, the subscriber, one of the justices of the peace in and for the county of M , for having been kept by D. E. of B , in said county of M , at said B , on the day of ,

in the year eighteen hundred and , with intent to sell the same in this Commonwealth, he not being then and there authorized to sell the same by any lawful authority whatever: whereupon I declared and adjudged among other things, that said liquors, with the vessels in which they are contained, were forfeited to the Commonwealth:—

Now, I hereby command you, said L. M., to deliver said [ten gallons of gin and four gallons of port wine] to U. T., chief of the state detective force, to be by him sold according to law, and the net proceeds paid over to the treasurer of the Commonwealth.

And make return of this precept, with your doings thereon.

Witness my hand and seal at said B , the day of , in the year eighteen hundred and .

N. C., *Justice of the Peace.*

SECTION 18. This act shall take effect upon its passage.

Approved April 25, 1876.

AN ACT TO INCORPORATE THE NEW ENGLAND GUARD OF THE CITY OF BOSTON. *Chap. 163*

Be it enacted, &c., as follows:

SECTION 1. J. Putnam Bradlee, George Tyler Bigelow, Jeffrey Richardson, William F. Smith, John H. Reed, Joseph B. Glover, Joseph Burnett, J. Avery Richards, Robert M. Mason, Charles Storrow, Francis A. Osborn, Shubael G. Rogers, John Revere, Joseph West, Thomas T. Bouvé, John T. Coolidge, George H. Vincent, Curtis Guild, Charles A. Welch, Leverett Saltonstall, Martin P. Kennard, Amos A. Lawrence, Adolphus Davis, Charles S. Jenny, William B. Bacon, James B. Bell, William V. Hutchings, Robert H. Stevenson, George Higginson, Isaac Butts, George D. Russell, Frederick B. Wentworth, F. W. Bigelow, George B. Brown, Benjamin F. Field, Jr., and such other persons as are known as the New England Guard, who formerly served in the said company and in the fourth battalion of infantry in the first division of the Massachusetts volunteer militia, or may hereafter become associated with them, are hereby constituted a body corporate by the name of the New England Guard of the city of Boston, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

Corporators.

*New England
Guard of the
city of Boston.*

*Powers and
duties.*

SECTION 2. The objects of the corporation shall be to afford pecuniary relief to aged, reduced and indigent members, and to their widows and children, and to promote

*For social and
charitable pur-
poses.*

social union and patriotic fellowship among the members, and to preserve and keep alive the recollections of past services in the New England Guard.

May adopt a constitution and by-laws.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

Real and personal estate.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty thousand dollars.

Parade in public.

SECTION 5. The members of said corporation may parade in public with side arms.

SECTION 6. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 164 AN ACT TO EXTEND THE TIME FOR APPLICATIONS FOR DAMAGES FOR LAND TAKEN FOR THE LOCATION OF THE MASSACHUSETTS CENTRAL RAILROAD.

Be it enacted, &c., as follows:

Time for making claim for damages extended.

The time within which claimants for damages for land taken by the Massachusetts Central Railroad Company for the location of its railroad, may make application to the county commissioners under the provisions of section seventy-eight of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby extended to the twentieth day of April in the year eighteen hundred and seventy-seven.

Approved April 26, 1876.

Chap. 165 AN ACT TO PROVIDE FOR THE REMOVAL OF WILLS FROM PROBATE COURTS IN CERTAIN CASES.

Be it enacted, &c., as follows:

Probate court may permit wills to be taken from files to be used in other countries.

SECTION 1. The probate court in which a will has been duly proved, allowed and recorded, may, after the expiration of the thirty days within which an appeal may be taken from the decree admitting such will to probate, upon the petition of the executor, or any legatee therein named, or of any person interested in the estate of the testator, after such notice thereof as the court shall require and hearing had thereon, permit the original will to be taken from the files of such court, if it shall appear that such orig-

inal will is necessary to be used in any foreign country for the purpose of establishing the right or title of such executor, legatee or person, to the estate of the testator therein, and to use the will for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

AN ACT TO REGULATE THE EXECUTION OF CAPITAL SENTENCES.

Chap. 166

Be it enacted, &c., as follows:

SECTION 1. In pronouncing sentence of death upon any person convicted of a capital crime, the court shall appoint the time when such sentence shall be executed. The clerk of the court shall, as soon as may be, make out and deliver to the governor a certified copy of the whole record of the conviction and sentence. He shall immediately thereafter make out and deliver to the sheriff of the county where the conviction was had, a warrant under the seal of the court, commanding the sheriff to cause execution to be done in accordance with the provisions of the sentence; and to this warrant there shall be annexed a certified copy of the whole record of the conviction and sentence, and an affidavit of the delivery to the governor of a certified copy of the record required to be delivered as aforesaid.

Time of execution to be appointed by court.

Warrant for execution to be issued by the court.

SECTION 2. The sheriff shall thereupon cause execution to be done at the time appointed, unless the governor, by and with the advice of the council, shall pardon the offence, commute the punishment therefor, or respite the execution of the sentence as hereinafter authorized. In case the execution shall be respited as hereinafter authorized, the sentence shall be executed on the day next after the day on which the term of respite shall have expired, unless the day next after the day aforesaid shall be a Sunday or a legal holiday; in which case the sentence shall be executed on the first day thereafter which is not a Sunday or legal holiday. In case the sentence shall not be executed on the day finally appointed, the sheriff shall cause execution to be done as soon as may be after the said finally appointed day.

Sheriff to cause execution to be done.

SECTION 3. When a person convicted of a capital crime is, at the time when motion for sentence is made, found to the satisfaction of the court to be insane, the court may cause such person to be removed to one of the state lunatic hospitals for such a term and under such limitations as it may direct. When a female convicted of a capital crime

Insane convict may be removed to state lunatic hospital before sentence.

is, at the time when motion for sentence is made, found to the satisfaction of the court to be quick with child, the court shall not pass sentence upon her until it appears to its satisfaction that she is no longer quick with child.

If convict is
insane after sen-
tence, execution
may be respited.

SECTION 4. If it appears to the satisfaction of the governor and council, that a convict under sentence of death has become insane, the execution of said sentence may be respited by the governor, by and with the advice of the council, from time to time for a stated period, until it appears to their satisfaction that the convict is no longer insane. If it appears to the satisfaction of the governor and council that a female convict under sentence of death, is quick with child, the execution of said sentence shall be respited from time to time for a stated period by the governor, by and with the advice of the council, until it appears to their satisfaction that she is no longer quick with child.

Execution of
sentences may
be respited from
time to time.

SECTION 5. The governor, by and with the advice of the council, may respite from time to time the execution of a sentence of death for a stated period, so long as they may deem it necessary to afford him, by and with the advice aforesaid, an opportunity of exercising the constitutional right of pardon and of investigating and considering the facts of the case for that purpose.

Sheriff to make
return to the
clerk's office.

SECTION 6. When a sheriff inflicts the punishment of death upon a convict in obedience to a warrant from the court, he shall, as soon as may be, make return thereof under his hand, with his doings therein, to the clerk's office of said court.

Repeal.

SECTION 7. Sections twenty-four, twenty-five and twenty-eight of chapter one hundred and seventy-four of the General Statutes are hereby repealed, except as to persons, who are at the time of the passage of this act, under sentence for a capital crime; the sentences of such persons shall be executed in accordance with the laws in force when the sentences were pronounced.

SECTION 8. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 167

AN ACT CONCERNING ATTACHMENTS.

Be it enacted, &c., as follows:

Arrest under a
special precept.

SECTION 1. At any time during the pendency of any suit, libel, petition or other proceeding at law or in equity, before any police, district or municipal court, or before the superior or supreme judicial court, upon institution of

which an attachment is authorized by law, the court in which such cause is pending, may in its discretion, on motion, *ex parte*, upon good cause shown, direct by special precept that an arrest of the defendant, or an attachment of his property by trustee process, or otherwise, be made to secure the judgment or decree which the plaintiff may obtain in said cause: *provided*, that no arrest of the defendant shall be authorized unless the plaintiff or some person in his behalf, makes affidavit and proves to the satisfaction of the court the same facts that are now required to be proved to authorize arrests on mesne process.

Proviso.

SECTION 2. The form of such precepts shall be the same, so far as practicable, as that established for original writs of attachment and arrest; but the supreme judicial court may, by general rules, at any time establish forms therefor.

Form of precept.

SECTION 3. Such precepts may be served by any officer authorized to serve the original process in the cause, and shall be returnable as may be directed by the court issuing the same.

Service of precept.

SECTION 4. Attachments and arrests so made, shall be subject to all the provisions of law relating to attachments and arrests upon mesne process, so far as applicable.

Subject to laws of arrest upon mesne process.

Approved April 26, 1876.

AN ACT TO ALTER THE LIMITS OF FIRE DISTRICT NUMBER ONE IN THE TOWN OF SOUTH HADLEY. *Chap. 168*

Be it enacted, &c., as follows:

SECTION 1. Edwin H. Judd, Levi H. Judd, J. Dwight Judd, Watson S. Judd, Otis A. Judd, Henry Strong, Elizabeth B. C. Lathrop and Bessie C. Lathrop, all of South Hadley, in the county of Hampshire, with their estates, and all lands between the northerly boundary line of fire district number one, in the town of South Hadley, and a line beginning on the easterly side of the Connecticut River, at the mouth of White's Brook, and thence running north-easterly along said brook to the highway leading to the "head of the canal" (so called); thence easterly along said highway to the Old Falls Woods road; thence northerly along said road to a point opposite the north-westerly corner of land of George E. and Mary C. Lamb; thence easterly along the northerly line of land of said Lambs to land of Adoniram J. Clark; thence southerly along the westerly line of land of said Clark to land of

Fire District, No. 1, in South Hadley.

Boundaries changed.

said Lambs; thence easterly along the northerly line of land of said Lambs to the highway leading from South Hadley Falls to South Hadley; and after crossing said highway, along the northerly line of land of Hellen Lathrop to land of Elizabeth B. C. Lathrop; thence southerly along the westerly line of said Lathrop land to land of Peregrine Waters; thence easterly along the northerly line of said Waters and of James A. Benton to the new road from South Hadley Falls to South Hadley; also, all lands and estates lying and being easterly of the highway leading from South Hadley Centre to Willimansett depot in Chicopee, are hereby excluded and set off from said fire district.

Payment of
assessed taxes.

SECTION 2. The land and estates hereby excluded and set off from said fire district, shall be liable to pay, and shall pay, their just proportion of all taxes which shall have been assessed on said fire district prior to the passage of this act, in the same manner as though the same had not been passed.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 169

AN ACT RELATING TO THE SUPPORT OF PERSONS COMMITTED TO THE STATE INDUSTRIAL SCHOOL AND THE STATE REFORM SCHOOL.

Be it enacted, &c., as follows:

Persons in re-
form and indus-
trial schools to
be supported by
place of settle-
ment.

SECTION 1. Whenever a person having a settlement in this Commonwealth, is committed to the State Industrial School or to the State Reform School, the trustees of the school to which such commitment is made shall give written notice of such commitment to the overseers of the poor of the place of settlement, and the town or city in which such person has a settlement, if notified as above stated, shall pay one dollar per week, from the date of such notice, for the support of such person in said school, which sum shall be paid to the treasurer of the Commonwealth, or be recovered by him through the general agent of state charities. Any sum so paid may be recovered by such city or town of any parent, kindred or guardian liable by law to maintain such person.

Repeal of G. S.
76, § 29.
1865, 256, § 1.

SECTION 2. Section twenty-nine of chapter seventy-six of the General Statutes and section one of chapter two hundred and fifty-six of the acts of the year eighteen hundred and sixty-five, are hereby repealed, saving all actions pending and all existing rights and liabilities.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 26, 1876.

AN ACT IN RELATION TO THE ISSUE OF BONDS AND OTHER EVIDENCES OF INDEBTEDNESS BY RAILROAD CORPORATIONS. *Chap. 170*

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation chartered under the laws of this Commonwealth shall hereafter issue any bonds, coupon notes or other evidences of indebtedness payable at periods of more than twelve months from the date thereof, except as provided by section forty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

Issue of bonds by railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

AN ACT TO MAKE A FURTHER APPROPRIATION FOR THE IMPROVEMENT OF THE COMMONWEALTH FLATS IN BOSTON HARBOR. *Chap. 171*

Be it enacted, &c., as follows:

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding three hundred thousand dollars, to be expended for the purposes authorized by chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-two, and the same is hereby appropriated.

Appropriation of \$300,000.

SECTION 2. Scrip or certificates of debt, to the amount appropriated by this act, may be issued under the provisions of section five of said chapter, in addition to the amount heretofore authorized.

Certificates of debt may be issued.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1876.

AN ACT TO PUNISH ILLEGAL VOTING AND TO SECURE THE PURITY OF ELECTIONS. *Chap. 172*

Be it enacted, &c., as follows:

SECTION 1. Whoever votes, or attempts to vote upon any name other than his own at any national, state or municipal election, or whoever knowingly gives more than one ballot at one time of balloting at an election, shall be punished by imprisonment in the house of correction for not less than three months nor more than one year.

Voting illegally punishable by imprisonment.

SECTION 2. If any person shall pay, give or bestow, or directly or indirectly promise, any gift or reward to secure the vote or ballot of any person for any officer to be voted for at any national, state or municipal election, the person so offending, upon conviction before the court having jurisdiction of such offence, shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment in the house of correction not less

Bribery at elections punishable by fine or imprisonment, or both.

than three months nor more than one year, or by both, at the discretion of the court.

Aiders and abettors punishable by fine or imprisonment.

SECTION 3. Whoever aids and abets any person in the commission of either of the offences described in section one of this act, shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding one year.

Repeal of 1874, 356.

SECTION 4. Chapter three hundred and fifty-six of the acts of the year eighteen hundred and seventy-four is hereby repealed.

Approved April 26, 1876.

Chap. 173 AN ACT CONCERNING THE VERIFICATION OF RAILROAD AND STREET RAILWAY RETURNS.

Be it enacted, &c., as follows:

Returns to be sworn to by directors, treasurer and superintendent.

The accuracy of every annual return of a railroad or street railway corporation made under the provisions of section one hundred and seventy-one of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, and of section fifty-two of chapter three hundred and eighty-one of the acts of the year eighteen hundred and seventy-one, shall, in addition to the oath of the directors, prescribed in said acts, also be sworn to by the treasurer and the superintendent of the corporation making such return.

Approved April 26, 1876.

Chap. 174 AN ACT IN ADDITION TO SECTION THIRTY-EIGHT OF CHAPTER ONE HUNDRED AND TWENTY OF THE GENERAL STATUTES IN RELATION TO DISTURBANCES OF THE PEACE.

Be it enacted, &c., as follows:

Disturbance of the peace punishable by fine or imprisonment.

District courts, police courts and trial justices may punish by fine not exceeding thirty dollars, or imprisonment in the jail or house of correction not exceeding ninety days, a disturbance of the peace to the great damage and common nuisance of the citizens of the Commonwealth, inhabiting, being and residing in the place where such disturbance occurs.

Approved April 26, 1876.

Chap. 175 AN ACT IN RELATION TO TOWNS AND CITIES SUBSCRIBING TO THE STOCK AND SECURITIES OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

Subscriptions to railroad stock not to exceed three per cent. of valuation.

No town or city shall hereafter increase its indebtedness for the purpose of subscribing to the stock or securities of railroad corporations, to an amount which with the existing net indebtedness of such town or city, incurred for any purpose, shall exceed the limit of three per centum of the valuation of the taxable property therein, to be ascer-

tained by the last preceding town or city valuation for the assessment of taxes; but the limitation of this act shall not apply to temporary loans in anticipation of the taxes of the year in which such debts are incurred, and the year next ensuing, and expressly made payable therefrom by vote of the said town or city.

Approved April 26, 1876.

AN ACT IN ADDITION TO CHAPTER THREE HUNDRED AND SEVENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO THE REGULATION AND INSPECTION OF BUILDINGS IN BOSTON.

Chap. 176

Be it enacted, &c., as follows:

SECTION 1. Party-walls of dwelling-houses not exceeding two stories nor twenty-five feet in height, and not exceeding twenty feet in width and forty feet in depth, in the city of Boston, outside the building limits of said city, may be built of brick, eight inches thick, and be carried twelve inches above the roof; and shall be corbelled at least six inches, or to the outer edge of all projections on the front and rear walls of the building, and be coped with stone or metal securely fastened; and where the roof is of the kind known as Mansard or French, the party-walls shall extend through the slope of the Mansard at least six inches distant from and parallel with the roof covering, and be corbelled at least six inches, or to the outer edge of all projections, and shall be coped with stone or metal, securely fastened. Any dwelling-house wall, not exceeding twelve feet in height from the foundation, and not within the building limits of said city, may be built of brick, eight inches thick.

Party-walls of dwelling-houses in Boston.

SECTION 2. Foundation walls of buildings, other than dwelling-houses, and not exceeding thirty-five feet in height, in the city of Boston, may be built of irregular rubble-stone, one-fourth thicker than block-stone walls: *provided*, that when such foundation walls are laid on piles, the lower course shall be of block-stone.

Foundation-walls.

SECTION 3. All acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

Approved April 26, 1876.

AN ACT RATIFYING THE ELECTION OF TOWN OFFICERS IN THE TOWN OF CHESTERFIELD IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX.

Chap. 177

Be it enacted, &c., as follows:

SECTION 1. The election of town officers in the town of Chesterfield made at the annual town meeting in the year eighteen hundred and seventy-six so far as the same

Election confirmed and ratified.

may be illegal for the reason that the check-list was not used in the election of said officers or of the moderator of such meeting, is hereby ratified and confirmed and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 178 AN ACT CONCERNING THE PRINTING OF CERTAIN PUBLIC DOCUMENTS.

Be it enacted, &c., as follows:

Public docu-
ments and re-
ports, numbers
to be printed.

SECTION 1. There shall be printed annually, on or before the assembling of the legislature, or as soon after the meeting of the legislature as may be expedient, a number of copies of the public documents and reports, as specified in the following list; and no larger number shall be printed, save by special order of the legislature:

Registration of births, marriages and deaths, two thousand.

Report of secretary of board of education, seven thousand.

Report of librarian of state library, one thousand five hundred.

Report of secretary of board of agriculture, twelve thousand.

Report of treasurer and receiver-general, two thousand.

Report of auditor of accounts, two thousand.

Report of adjutant-general, two thousand five hundred.

Report of savings bank commissioner, three thousand.

Report of insurance commissioner, on fire insurance, three thousand.

Report of insurance commissioner, on life insurance, three thousand.

Abstract of returns of corporations organized under general laws, two thousand two hundred.

Report of commissioners of public lands, one thousand five hundred.

Report of attorney-general, one thousand five hundred.

Report of inspectors and warden of state prison, two thousand.

Report of agent for discharged convicts, one thousand five hundred.

Abstract of sheriffs' returns, two thousand.

Abstract of returns of registers of deeds, one thousand five hundred.

Report of secretary of board of state charities, two thousand.

Public documents and reports, numbers to be printed.

Report of trustees of reform school, two thousand.

Aggregates of polls, property and taxes, two thousand five hundred.

Report of trustees of industrial school for girls, two thousand.

Report of trustees of lunatic hospital at Northampton, two thousand.

Report of trustees of lunatic hospital at Taunton, two thousand.

Report of trustees of lunatic hospital at Worcester, two thousand.

Report of inspectors of state workhouse at Bridgewater, two thousand.

Report of inspectors of state primary school at Monson, two thousand.

Report of inspectors of almshouse at Tewksbury, two thousand.

Report of trustees of Perkins institution for the blind, two thousand.

Report of trustees of school for idiotic and feeble-minded youth, two thousand.

Report of railroad commissioners, and returns of railroad corporations, three thousand five hundred : and there shall be printed three thousand copies of said report for the use of the commissioners.

Report of Massachusetts board of health, two thousand five hundred.

Report of bureau of statistics of labor, two thousand.

Manual for the general court (sixteen mo), two thousand five hundred.

Manual for the general court (octavo), five hundred.

Blue book, five thousand.

General laws, thirty-five thousand.

SECTION 2. All acts and parts of acts, and all resolves inconsistent with this act, are hereby repealed.

Repeal.

Approved April 26, 1876.

AN ACT RELATING TO THE APPOINTMENT OF RESIDENT PHYSICIANS AT TEWKSBURY ALMSHOUSE. *Chap. 179*

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint, for the state almshouse, a resident physician competent to take charge of insane

Resident physician to be appointed.

inmates, who shall hold his office during the pleasure of the governor, whose salary, subject to the approval of the governor, shall be fixed by the inspectors of said institution; and said physician shall in addition thereto possess the same rights and privileges, relative to residence at said almshouse, as are now by law possessed by the superintendent thereof.

Inspectors to nominate physician to the governor and council.

SECTION 2. The inspectors of the state almshouse shall, within ten days from the passage of this act, and thereafter whenever a vacancy shall occur, within ten days from the occurrence of such vacancy, nominate to the governor and council some suitable person for resident physician at said institution, and in case of failure on the part of said inspectors to make such nomination within the time specified, the governor and council may appoint a resident physician without such previous nomination.

Assistant physicians to be nominated to the inspectors by the resident physician.

SECTION 3. The resident physician shall immediately upon his appointment, and thereafter whenever a vacancy occurs, nominate to the inspectors suitable persons for the offices of first and second assistant physician, who shall hold their several offices during the pleasure of said inspectors and at such salaries as may be fixed by them.

Resident physician to have medical charge of inmates, appoint nurses, etc.

SECTION 4. The resident physician shall have entire charge of, and be responsible for the medical treatment of the inmates of the hospital at said almshouse, and of the asylum for the insane; shall appoint and remove the nurses of the hospital, and the attendants of the asylum, and shall fix their several salaries subject to the approval of the inspectors; he shall regulate and control the dietary of said hospital and asylum, and shall supervise the preparation of the food for these departments; he shall from time to time make requisitions upon the superintendent for such food, medicines and necessities (other than the ordinary almshouse supplies) as in his judgment the requirements of a well ordered hospital demand.

Approved April 26, 1876.

Chap. 180

AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF PROVISIONS, AND ANIMALS INTENDED FOR SLAUGHTER, IN CITIES AND TOWNS.

Be it enacted, &c., as follows:

Inspectors of provisions, and animals intended for slaughter, may be appointed.

SECTION 1. The mayor and aldermen of cities and the selectmen of towns may annually appoint one or more persons to be inspectors of provisions, and animals intended for slaughter, who shall be sworn to faithfully discharge

the duties of their office and who shall receive such compensation as the city council of cities or the selectmen of towns shall determine.

SECTION 2. Said inspectors shall have power to inspect all animals intended for slaughter, and all meats, fish, vegetables, produce, fruits and provisions of all kinds found in said cities or towns, or exposed for sale or kept with intent to sell therein; and may for this purpose enter into all buildings or inclosures where said animals, meats, fish, vegetables, produce, fruits or provisions are kept, stored or exposed for slaughter or sale. When such animals, meat, fish, vegetables, produce, fruit or provisions are found on such inspection to be tainted, diseased, corrupted, decayed or unwholesome from any cause, said inspectors shall seize the same and cause them or it to be destroyed or disposed of otherwise than for food: *provided, however*, that if the owner of the property seized shall at the time of the seizure notify said inspector in writing of his desire to appeal to the board of health, said inspector shall cause said animals, meat, fish, vegetables, produce, fruit or provisions to be inspected by said board of health, or by a committee thereof consisting of not less than two members, and if said board or committee shall find the same to be tainted, diseased, corrupted or unwholesome, they shall order the same to be destroyed or disposed of otherwise than for food; if said board or committee shall not so find, they shall order said animals, meat, fish, vegetables, produce, fruit or provisions to be forthwith returned to the owner thereof. All moneys received by said inspector or board of health for property disposed of as aforesaid, shall, after deducting all expenses incurred by reason of such seizure, be paid to the owner thereof.

To inspect provisions, etc., and if found unwholesome to cause the same to be destroyed.

Proviso.

SECTION 3. Said inspectors shall have the power to inspect all veal found in said cities or towns, or offered or exposed for sale or kept with intent to sell therein, and if said veal is, in the judgment of the inspector, that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of as provided in the preceding section, subject however to the same provisions concerning appeal and the disposal of moneys that are therein contained.

To destroy veal, if calf was less than four weeks old when killed.

SECTION 4. When complaint is made on oath to any police, municipal or district court or magistrate authorized to issue warrants in criminal cases, that the complainant

Warrant may be issued for search for unwholesome meat, etc.

believes that any diseased animals or any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind, or veal of any calf killed under four weeks old is kept or concealed in any particular house or place with the intent to kill, sell or offer the same for sale for food, the court or magistrate, if satisfied there is reasonable cause for such belief, shall issue a warrant to search for such animals or articles, and all such warrants shall be directed and executed as provided in the third section of chapter one hundred and seventy of the General Statutes. If, upon hearing, said court or magistrate shall determine that said animals or articles or any of them were kept or concealed for the purposes aforesaid, the same shall be destroyed or disposed of by the inspector, or by any officer designated by the court or magistrate, according to the provisions of the second section of this act; if the court or magistrate shall not so determine, said animals or articles shall be returned to the owner.

Penalty for
selling, etc.,
unwholesome
food.

SECTION 5. Whoever knowingly sells, or offers or exposes for sale, or has in his possession with intent to sell for food any diseased animal, or any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind whatever, shall be punished by imprisonment in jail not exceeding sixty days, or by fine not exceeding one hundred dollars.

Name and place
of business of
person con-
victed to be
published.

SECTION 6. The place where property condemned under this act shall be found, and the name of every person in whose possession it may be found and condemned, or who shall be convicted of an offence under section five of this act, shall be published in two newspapers published in the county.

Act subject to
acceptance.

SECTION 7. The foregoing sections of this act shall not be in force in any city or town unless this act shall be adopted by the city council of such city, or by the inhabitants of such town.

Repeal of 1875,
29.

SECTION 8. Chapter twenty-nine of the acts of the year eighteen hundred and seventy-five is hereby repealed: *provided*, that nothing herein contained shall affect any prosecution now pending or any penalty or forfeiture already incurred.

Proviso.

Approved April 26, 1876.

AN ACT TO SECURE LAND FROM TRESPASSERS.

*Chap. 181**Be it enacted, &c., as follows:*

SECTION 1. Whoever, between the first day of April and the first day of December, wilfully enters on or passes over or remains on any orchard, garden, mowing land or other improved or inclosed land of another, after being forbidden by the owner or occupant thereof, or by the authorized agent of said owner or occupant, either personally or by notice posted conspicuously on the premises, shall be guilty of trespass, and shall be punished by fine not exceeding twenty dollars; and such fine shall not be less than five dollars, if the offence is committed on the Lord's day.

Penalty for trespassing upon improved land.

SECTION 2. A person found in the act of committing the trespass described in the preceding section, may be apprehended by any sheriff, deputy-sheriff, constable, watchman or police officer, without a written warrant, and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted; at or before the expiration of which time, he shall be brought before a trial justice, police, municipal or district court, and proceeded against according to law, or discharged as the magistrate or court shall determine.

Trespasser may be arrested without a warrant.

SECTION 3. Chapter eighty-nine of the acts of the year eighteen hundred and sixty-two is hereby repealed.

Repeal of 1862, 89.

Approved April 26, 1876.

AN ACT TO AMEND SECTION ONE HUNDRED AND SIXTY-FIVE OF CHAPTER THREE HUNDRED AND SEVENTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO CONNECTING RAILROADS.

*Chap. 182**Be it enacted, &c., as follows:*

SECTION 1. When any railroad constructed since the eighth day of April, eighteen hundred and seventy-two, meets another railroad passing through the same city or town with itself, the corporation by which either of said railroads is owned may, with the written consent of the board of railroad commissioners, and upon such terms as said board shall after due hearing prescribe, enter its road upon, unite the same with, and use the road of the other, in conformity to the provisions of chapter three hundred seventy-two of the acts of the year eighteen hundred and seventy-four.

Connecting railroads may unite with consent of railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

- Chap.* 183 AN ACT TO CONFIRM THE DEED OF ASSIGNMENT OF GEORGE WHITE, ACTING JUDGE OF THE COURT OF INSOLVENCY, TO WALTER N. MASON AND EDWARD A. HUNTING, ASSIGNEES OF THE ESTATE OF CHARLES J. POWER, INSOLVENT DEBTOR.

Be it enacted, &c., as follows :

Deed of assignment to assignees confirmed.

SECTION 1. The deed of assignment of George White, acting judge of the court of insolvency in and for the county of Middlesex, to Walter N. Mason and Edward A. Hunting, assignees of the estate of Charles J. Power, insolvent debtor, bearing date the ninth day of August, in the year eighteen hundred and sixty-five, recorded in the Middlesex southern district registry of deeds, book nine hundred and fifty-three, page sixty-three, is hereby confirmed and made valid, and shall have the same force and effect as if executed by William A. Richardson, judge of insolvency for Middlesex county.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

- Chap.* 184 AN ACT RELATING TO THE CIVIL JURISDICTION OF THE MUNICIPAL COURTS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Civil jurisdiction of municipal courts in Boston.

Chapter one hundred and six of the acts of the year eighteen hundred and seventy-five shall not be construed to give the municipal courts of the city of Boston jurisdiction of transitory actions, (except suits begun by trustee process), unless some one of the defendants lives or has his usual place of business in the county of Suffolk.

Approved April 26, 1876.

- Chap.* 185 AN ACT TO SECURE GREATER PUBLICITY AND UNIFORMITY IN THE ACCOUNTS OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows :

Uniform system of accounts to be prescribed for railroads.

SECTION 1. The board of railroad commissioners shall, before the first day of September, eighteen hundred and seventy-six, prescribe a system upon which the books and accounts of corporations operating railroads, or street railways, shall be kept in a uniform manner.

Commissioners to see that accounts are kept in form prescribed.

SECTION 2. It shall be the duty of the board of railroad commissioners, from time to time in each year, to examine the books and accounts of all corporations operating railroads, or street railways, to see that they are kept on the plan prescribed under authority of the preceding section; and statements of the doings and financial condition of the several corporations shall be prepared and published at such times as said board shall deem expedient.

SECTION 3. The board of railroad commissioners is hereby authorized to employ, at a compensation not exceeding twenty-five hundred dollars a year, to be paid as provided in sections seventeen and eighteen of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, a person skilled in the methods of railroad accounting, whose duty it shall be, under the direction of said board, to supervise the method by which the accounts of corporations operating railroads, or street railways, are kept.

Accountant to be employed to supervise accounts.

SECTION 4. On the application in writing of a director, or of any person or persons owning one-fiftieth part of the entire paid-in capital stock of any corporation operating a railroad, or street railway, or the bonds or other evidences of indebtedness of such corporation equal in amount to one-fiftieth part of its paid-in capital stock, the board of railroad commissioners shall make an examination into the books and financial condition of said corporation, and shall cause the same to be published in one or more daily papers in the city of Boston.

Examination of books and financial condition.

SECTION 5. The board of railroad commissioners shall further have, at all times, access to the list of stockholders of every corporation operating a railroad, or street railway, and may, in their discretion, at any time, cause the same to be copied, in whole or in part, for their own information or for the information of persons owning stock in such corporation.

Commissioners to have access to lists of stockholders, etc.

SECTION 6. A corporation refusing to submit its books to the examination of the board of railroad commissioners, or neglecting to keep its accounts in the method prescribed by said board under authority of this act, shall be liable to the penalties provided in section one hundred and seventy-four of said chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, in the case of the neglect or refusal to make a report or return.

Penalty on corporation refusing to comply.

Approved April 26, 1876.

AN ACT IN ADDITION TO AN ACT IN RELATION TO TEXT BOOKS IN THE PUBLIC SCHOOLS. *Chap. 186*

Be it enacted, &c., as follows:

SECTION 1. Section twenty-six of chapter thirty-eight of the General Statutes is amended to read as follows: The school committee in each city or town where there is no superintendent of schools, or some one or more of them, for the purpose of organizing and making a careful exam-

School committee to see that scholars are supplied with books.

To examine once a month without previous notice to teachers.

ination of the schools, and of ascertaining that the scholars are properly supplied with books, shall visit all the public schools in the town on some day during the first week after the opening of such schools, and also on some day during the two weeks preceding the close of the same, and shall also for the same purposes visit, without giving previous notice thereof to the instructors, all the public schools in the town once in each month, and they shall at such examinations, inquire into the regulation and discipline of the schools and the habits and proficiency of the scholars.

Amendments to G. S. 41, § 7.

SECTION 2. Section seven of chapter forty-one of the General Statutes is amended so that children, without limitation as to age, may attend school in cities and towns other than those in which their parents or guardians reside.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 187 AN ACT REPEALING AN ACT TO PROVIDE FOR THE LAYING OUT OF A PUBLIC COMMON IN THE TOWN OF MATTAPOISETT.

Be it enacted, &c., as follows:

Repeal of 1872, 250.

SECTION 1. Chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-two is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 188 AN ACT IN ADDITION TO AN ACT RELATING TO ELECTIONS.

Be it enacted, &c., as follows:

Provisions relating to both Cities and Towns.

Ballots in sealed envelopes to be destroyed after being kept the required time.

SECTION 1. The clerk of each city and town shall receive the envelopes containing the ballots thrown at any election, sealed as provided in sections forty and forty-six of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, and shall retain them in his care until the requirements of this act, or of any act which may hereafter be passed in amendment hereof, have been complied with; and as soon as may be thereafter the said clerk shall cause such ballots to be destroyed without examining them or permitting them to be examined by any person whatsoever, and shall make an entry in the records of the city or town that they have been so destroyed.

SECTION 2. If within thirty days next following the day of an election a person who received votes for any office at said election, shall serve upon the clerk of any city or town, by himself, his agent or attorney, a statement in writing claiming an election to such office, or declaring an intention to controvert or dispute the election of any other person who has received, or who may receive, a certificate of election for the same, the clerk of such city or town shall retain the envelope containing the ballots thrown at such election, sealed as provided by law, subject to the order of the body to which either of said persons may claim or be held to have been elected, or until such claim shall have been withdrawn or such election shall have been decided by the authority competent to determine the same.

Ballots to be retained by clerk until a disputed election is determined.

SECTION 3. Whenever a district for the election of a representative or representatives to the general court is composed of one or more wards of a city, together with one or more towns, the meeting of clerks prescribed by section twenty-seven of said chapter shall be held on the Tuesday next following the day of election, instead of being held on the day prescribed in said section; and all provisions of law relative to the meeting of the clerks shall apply to their meeting so held on said Tuesday, continued by adjournment not exceeding two days, if need be.

Meeting of clerks when representative district is composed of a town, etc., and wards of a city.

Provisions relating to Cities.

SECTION 4. If within three days next following the day of any election ten or more qualified voters of any ward shall file with the city clerk a statement in writing that they have reason to believe that the returns of the ward officers are erroneous, specifying wherein they deem them in error, said city clerk shall forthwith transmit such statement to the board of aldermen or the committee thereof appointed to examine the returns of said election. The board of aldermen, or their committee, shall thereupon and within five days, Sunday excepted, next following the day of election, open the envelope and examine the ballots thrown in said ward, and determine the questions raised; they shall then again seal the envelope, either with the seal of the city, or a seal provided for the purpose, and shall endorse upon said envelope a certificate that the same has been opened and again sealed by them in conformity to law; and the envelope, sealed as aforesaid, shall be

Disputed elections in cities.

returned to the city clerk. Said city clerk, upon the certificate of the board of aldermen, or of their committee, shall alter and amend such of the ward returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the ward.

Result of election, when may be declared.

SECTION 5. The board of aldermen shall not declare the result of an election, until the time specified in the preceding section for filing a request for a recount of ballots shall have expired, or in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous, any provision in the charter of any city or in any act in amendment thereof to the contrary notwithstanding.

Ward clerks to be provided with suitable seals.

SECTION 6. The clerk of each city shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design for which shall include the number or designation of the ward for which it is furnished; and said seal may be used in sealing the envelopes containing the ballots thrown at any election.

Repeal.

SECTION 7. Sections forty-two and forty-seven of said chapter are hereby repealed.

Amendment to 1874, 376, § 35.

SECTION 8. Section thirty-five of said chapter is hereby amended by adding thereto, at the end thereof "or by a recount made in conformity with the provisions of law."

SECTION 9. This act shall take effect upon its passage.

Approved April 26, 1876.

Chap. 189 AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Be it enacted, &c., as follows:

Polls and estates established.

SECTION 1. The number of polls, the amount of property, and the tax of one thousand dollars, including polls at one-tenth of a mill each, for each city and town in the several counties of the Commonwealth as contained in the schedule hereto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes during the decade ending in the year eighteen hundred and eighty-five, unless otherwise provided by the legislature, to wit:—

Basis of apportionment for state and county taxes.

POLLS, PROPERTY AND APPORTIONMENT OF STATE AND COUNTY
TAX OF \$1,000.

BARNSTABLE COUNTY.

Barnstable
County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Barnstable,	1,100	\$2,863,099 00	\$1 56
Brewster,	279	748,160 00	41
Chatham,	542	881,632 00	50
Dennis,	792	1,646,437 00	92
Eastham,	177	212,633 00	13
Falmouth,	672	2,561,805 00	1 37
Harwich,	858	1,103,508 00	65
Mashpee,	73	97,502 00	06
Orleans,	378	520,679 00	30
Provincetown,	1,101	1,943,982 00	1 10
Sandwich,	756	1,442,201 00	81
Truro,	319	294,363 00	18
Wellfleet,	516	960,940 00	54
Yarmouth,	522	1,558,494 00	84
Total,	8,085	\$16,835,435 00	\$9 37

BERKSHIRE COUNTY.

Berkshire
County.

Adams,	2,937	\$6,685,060 00	\$3 69
Alford,	111	292,863 00	16
Becket,	363	472,518 00	28
Cheshire,	436	1,117,018 00	61
Clarksburg,	152	261,850 00	15
Dalton,	324	1,371,426 00	73
Egremont,	254	613,063 00	34
Florida,	242	191,874 00	12
Great Barrington,	1,113	3,541,601 00	1 91
Hancock,	165	459,607 00	25
Hinsdale,	468	858,134 00	48
Lanesborough,	423	781,820 00	44
Lee,	899	2,027,731 00	1 12
Lenox,	475	1,477,811 00	80
Monterey,	197	280,736 00	16
Mount Washington,	77	78,989 00	05
New Ashford,	48	94,201 00	05
New Marlborough,	470	847,278 00	48
Otis,	212	279,926 00	16
Peru,	128	151,765 00	09
Pittsfield,	2,841	9,402,059 00	5 06
Richmond,	304	593,554 00	33
Sandisfield,	306	432,851 00	25
Savoy,	187	213,764 00	13

BERKSHIRE COUNTY—CONTINUED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Sheffield,	540	\$1,215,178 00	\$0 67
Stockbridge,	520	2,993,700 00	1 57
Tyringham,	137	265,444 00	15
Washington,	161	248,026 00	14
West Stockbridge,	513	881,894 00	50
Williamstown,	741	1,894,373 00	1 04
Windsor,	162	224,014 00	13
Total,	15,906	\$40,250,128 00	\$22 04

Bristol County.

BRISTOL COUNTY.

Acushnet,	268	\$623,980 00	\$0 34
Attleborough,	2,366	4,627,974 00	2 59
Berkley,	207	316,967 00	18
Dartmouth,	750	1,909,515 00	1 05
Dighton,	433	846,659 00	47
Easton,	993	3,063,753 00	1 66
Fairhaven,	714	1,608,404 00	89
Fall River,	11,118	50,382,058 00	26 71
Freetown,	316	770,047 00	42
Mansfield,	671	1,187,158 00	67
New Bedford,	5,930	27,528,048 00	14 58
Norton,	432	875,357 00	49
Raynham,	426	1,290,699 00	70
Rehoboth,	450	820,551 00	46
Seekonk,	262	641,638 00	35
Somerset,	478	1,083,109 00	60
Swansey,	307	702,963 00	39
Taunton,	5,352	17,773,864 00	9 57
Westport,	702	1,483,918 00	82
Total,	32,175	\$117,536,662 00	\$62 94

Dukes County.

DUKES COUNTY.

Chilmark,	166	\$297,423 00	\$0 17
Edgartown,	511	1,816,506 00	97
Gay Head,	32	11,834 00	01
Gosnold,	36	184,925 00	10
Tisbury,	419	710,558 00	40
Total,	1,164	\$3,021,246 00	\$1 65

ESSEX COUNTY.

Essex County.

T O W N S .	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a milleach.
Amesbury,	988	\$1,802,007 00	\$1 02
Andover,	1,105	4,009,874 00	2 15
Beverly,	2,202	8,931,663 00	4 76
Boxford,	241	617,568 00	34
Bradford,	567	1,423,243 00	78
Danvers,	1,398	3,928,544 00	2 14
Essex,	464	982,931 00	55
Georgetown,	651	1,047,714 00	60
Gloucester,	3,390	9,166,267 00	5 00
Groveland,	540	874,444 00	50
Hamilton,	200	543,936 00	30
Haverhill,	4,226	10,984,538 00	6 00
Ipswich,	880	2,211,187 00	1 21
Lawrence,	7,728	23,329,454 00	12 63
Lynn,	8,419	27,713,391 00	14 92
Lynnfield,	200	841,885 00	45
Manchester,	471	1,830,385 00	98
Marblehead,	2,130	4,247,711 00	2 37
Merrimac,	705	968,845 00	56
Methuen,	1,038	2,429,809 00	1 34
Middleton,	237	475,582 00	27
Nahant,	169	8,119,833 00	4 14
Newbury,	312	1,062,203 00	57
Newburyport,	3,208	7,975,814 00	4 37
North Andover,	796	2,278,826 00	1 24
Peabody,	2,168	6,763,364 00	3 65
Rockport,	1,097	2,184,509 00	1 22
Rowley,	309	562,950 00	32
Salem,	6,271	27,674,630 00	14 69
Salisbury,	1,200	2,189,333 00	1 23
Saugus,	632	1,888,960 00	1 02
Swampscott,	612	2,695,681 00	1 43
Topsfield,	307	783,413 00	43
Wenham,	232	609,392 00	33
West Newbury,	532	1,122,416 00	62
Total,	55,625	\$174,272,302 00	\$94 13

FRANKLIN COUNTY.

Franklin
County.

Ashfield,	342	\$544,556 00	\$0 31
Bernardston,	243	426,528 00	24
Buckland,	461	593,489 00	35
Charlemont,	260	356,808 00	21
Colrain,	397	695,501 00	39
Conway,	378	836,555 00	46
Deerfield,	808	1,710,340 00	95

FRANKLIN COUNTY—CONTINUED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Erving,	249	\$346,218 00	\$9 20
Gill,	193	502,043 00	27
Greenfield,	929	3,300,622 00	1 77
Hawley,	159	157,354 00	10
Heath,	149	191,401 00	11
Leverett,	224	333,626 00	19
Leyden,	111	228,748 00	13
Monroe,	44	43,214 00	03
Montague,	803	2,100,063 00	1 15
New Salem,	262	325,395 00	19
Northfield,	433	757,180 00	43
Orange,	860	1,584,615 00	89
Rowe,	147	174,826 00	10
Shelburne,	380	973,093 00	53
Shutesbury,	144	166,806 00	10
Sunderland,	217	482,846 00	27
Warwick,	224	298,435 00	17
Wendell,	133	171,910 00	10
Whately,	283	820,401 00	44
Total,	8,833	\$18,122,573 00	\$10 08

Hampden
County.

HAMPDEN COUNTY.

Agawam,	595	\$1,277,089 00	\$9 71
Blandford,	253	407,798 00	23
Brimfield,	302	593,247 00	33
Chester,	374	533,469 00	31
Chicopee,	2,522	5,861,559 00	3 23
Granville,	322	404,157 00	24
Holland,	80	122,299 00	07
Holyoke,	3,559	10,631,605 00	5 76
Longmeadow,	402	1,417,694 00	76
Ludlow,	307	548,863 00	31
Monson,	755	1,441,257 00	81
Montgomery,	84	141,298 00	08
Palmer,	1,006	1,854,962 00	1 04
Russell,	163	430,520 00	23
Southwick,	300	635,669 00	35
Springfield,	8,160	41,742,118 00	22 03
Tolland,	128	236,400 00	13
Wales,	276	429,799 00	25
Westfield,	2,439	7,337,548 00	3 97
West Springfield,	970	3,081,937 00	1 66
Wilbraham,	591	964,845 00	55
Total,	23,588	\$80,094,133 00	\$13 05

HAMPSHIRE COUNTY.

Hampshire
County.

T O W N S .	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Amherst,	937	\$2,588,314 00	\$1 41
Belchertown,	573	1,069,399 00	60
Chesterfield,	207	320,022 00	18
Cummington,	261	428,422 00	24
Easthampton,	793	2,623,493 00	1 41
Enfield,	304	772,795 00	42
Goshen,	95	124,888 00	07
Granby,	219	518,965 00	29
Greenwich,	186	307,347 00	17
Hadley,	582	1,473,127 00	81
Hatfield,	409	1,323,563 00	71
Huntington,	250	519,007 00	29
Middlefield,	158	386,722 00	21
Northampton,	2,423	7,857,455 00	4 23
Pelham,	157	160,807 00	10
Plainfield,	158	216,125 00	13
Prescott,	132	195,335 00	11
South Hadley,	713	1,921,344 00	1 05
Southampton,	274	497,224 00	28
Ware,	950	1,926,153 00	1 07
Westhampton,	116	294,347 00	16
Williamsburg,	565	1,378,175 00	76
Worthington,	220	342,834 00	20
Total,	10,682	\$27,245,863 00	\$14 90

MIDDLESEX COUNTY.

Middlesex
County.

Acton,	472	\$1,325,424 00	\$0 72
Arlington,	1,009	6,377,689 00	3 34
Ashby,	280	545,364 00	30
Ashland,	669	1,468,016 00	81
Ayer,	537	1,092,883 00	61
Bedford,	253	760,901 00	41
Belmont,	535	4,305,961 00	2 24
Billerica,	490	1,771,662 00	95
Boxborough,	86	271,701 00	15
Burlington,	195	530,794 00	29
Cambridge,	11,983	66,081,126 00	34 77
Carlisle,	164	381,350 00	21
Chelmsford,	642	1,504,912 00	83
Concord,	713	3,157,531 00	1 68
Dracut,	335	1,045,853 00	56
Dunstable,	138	340,832 00	19
Everett,	927	4,380,269 00	2 32
Framingham,	1,448	4,845,885 00	2 61

MIDDLESEX COUNTY—CONTINUED.

T O W N S .	Polls.	Property.	Tax of \$1,000, includg Polls at one-tenth of a mill each.
Groton,	467	\$2,306,032 00	\$1 22
Holliston,	932	1,863,695 00	1 04
Hopkinton,	1,056	2,319,537 00	1 28
Hudson,	953	1,687,492 00	95
Lexington,	731	3,067,692 00	1 63
Lincoln,	235	881,382 00	47
Littleton,	245	775,066 00	42
Lowell,	11,336	39,300,500 00	21 10
Malden,	2,570	9,731,455 00	5 20
Marlborough,	2,082	3,285,860 00	1 88
Maynard,	518	1,336,342 00	73
Medford,	1,785	9,736,661 00	5 13
Melrose,	1,039	4,473,067 00	2 38
Natick,	1,864	3,708,110 00	2 07
Newton,	3,917	30,867,560 00	16 08
North Reading,	265	449,198 00	25
Pepperell,	551	1,457,142 00	80
Reading,	882	2,377,630 00	1 30
Sherborn,	281	927,158 00	50
Shirley,	318	975,348 00	53
Somerville,	5,341	29,334,350 00	15 44
Stoneham,	1,350	3,129,181 00	1 72
Stow,	274	714,050 00	39
Sudbury,	337	1,043,080 00	56
Tewksbury,	286	929,408 00	50
Townsend,	613	776,758 00	46
Tyngsborough,	161	309,502 00	17
Wakefield,	1,484	4,706,056 00	2 54
Waltham,	2,552	10,257,698 00	5 47
Watertown,	1,285	8,170,369 00	4 28
Wayland,	452	1,131,363 00	62
Westford,	517	1,115,088 00	62
Weston,	345	1,737,649 00	92
Wilmington,	255	542,091 00	30
Winchester,	849	4,781,527 00	2 51
Woburn,	2,924	8,767,630 00	4 75
Total,	71,928	\$299,160,880 00	\$159 20

Nantucket
County.

NANTUCKET COUNTY.

Nantucket,	837	\$2,446,936 00	\$1 33
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NORFOLK COUNTY.

Norfolk County.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Bellingham,	329	\$531,926 00	\$0 30
Braintree,	1,077	2,733,625 00	1 50
Brookline,	1,728	30,769,194 00	15 81
Canton,	958	3,242,254 00	1 74
Cohasset,	563	2,411,466 00	1 28
Dedham,	1,542	6,250,090 00	3 33
Dover,	170	444,801 00	24
Foxborough,	781	1,761,058 00	97
Franklin,	717	1,486,788 00	83
Holbrook,	496	1,598,675 00	86
Hyde Park,	1,609	6,545,203 00	3 49
Medfield,	310	1,043,036 00	56
Medway,	974	1,825,077 00	1 02
Milton,	731	8,275,712 00	4 28
Needham,	1,166	4,576,394 00	2 44
Norfolk,	330	539,881 00	31
Norwood,	503	1,759,652 00	94
Quincy,	2,414	7,203,329 00	3 90
Randolph,	1,169	2,471,764 00	1 37
Sharon,	384	966,313 00	53
Stoughton,	1,264	2,487,872 00	1 39
Walpole,	556	1,533,404 00	83
Weymouth,	2,729	6,119,045 00	3 38
Wrentham,	580	1,160,069 00	65
Total,	23,080	\$97,736,628 00	\$51 95

PLYMOUTH COUNTY.

Plymouth
County.

Abington,	1,018	\$1,657,879 00	\$0 94
Bridgewater,	989	2,620,298 00	1 43
Brockton,	2,894	5,590,721 00	3 13
Carver,	265	597,290 00	33
Duxbury,	680	1,340,538 00	75
East Bridgewater,	787	1,367,826 00	77
Halifax,	169	291,943 00	17
Hanover,	469	985,625 00	55
Hanson,	363	572,791 00	33
Hingham,	1,234	3,590,222 00	1 95
Hull,	78	617,251 00	32
Kingston,	452	1,748,679 00	93
Lakeville,	305	572,735 00	32
Marion,	232	489,064 00	27
Marshfield,	502	978,188 00	55
Mattapoisett,	343	1,266,062 00	68
Middleborough,	1,388	2,556,523 00	1 44

PLYMOUTH COUNTY—CONTINUED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Pembroke,	398	\$714,449 00	\$0 40
Plymouth,	1,633	4,565,865 00	2 48
Plympton,	197	310,817 00	18
Rochester,	289	493,931 00	28
Rockland,	1,152	2,030,697 00	1 15
Seituate,	654	1,461,254 00	81
South Abington,	686	1,393,904 00	78
South Scituate,	475	1,129,694 00	62
Wareham,	761	1,124,248 00	65
West Bridgewater,	461	923,115 00	52
Total,	18,874	\$40,991,609 00	\$22 73

Suffolk County.

SUFFOLK COUNTY.

Boston,	84,684	\$795,638,935 00	\$412 74
Chelsea,	5,374	18,270,619 00	9 82
Revere,	404	1,971,955 00	1 04
Winthrop,	167	1,074,126 00	56
Total,	90,629	\$816,955,635 00	\$424 16

Worcester
County.

WORCESTER COUNTY.

Ashburnham,	650	\$1,112,682 00	\$0 63
Athol,	1,179	2,855,548 00	1 57
Auburn,	284	590,426 00	33
Barre,	698	1,956,812 00	1 06
Berlin,	283	489,691 00	28
Blackstone,	1,049	2,143,923 00	1 19
Bolton,	283	556,372 00	31
Boylston,	214	581,669 00	32
Brookfield,	745	1,411,318 00	79
Charlton,	501	1,003,629 00	56
Clinton,	1,591	4,548,192 00	2 47
Dana,	206	290,184 00	17
Douglas,	607	922,375 00	53
Dudley,	619	1,039,645 00	59
Fitchburg,	3,733	13,217,220 00	7 09
Gardner,	1,135	2,103,923 00	1 18
Grafton,	1,000	1,950,459 00	1 09
Hardwick,	501	1,093,452 00	61
Harvard,	348	1,131,722 00	61
Holden,	520	982,204 00	55

WORCESTER COUNTY—CONTINUED.

T O W N S .	Polls.	Property.	Tax of \$1,000, includ'g Polls at one-tenth of a mill each.
Hubbardston,	420	\$883,049 00	\$0 49
Lancaster,	423	2,412,592 00	1 27
Leicester,	713	2,194,297 00	1 19
Leominster,	1,473	3,941,878 00	2 15
Lunenburg,	307	785,049 00	43
Mendon,	316	659,572 00	37
Milford,	2,700	5,107,290 00	2 86
Millbury,	1,050	2,680,798 00	1 47
New Braintree,	154	501,115 00	27
Northborough,	385	1,321,153 00	71
Northbridge,	900	2,282,544 00	1 25
North Brookfield,	1,048	1,848,489 00	1 04
Oakham,	230	347,879 00	20
Oxford,	800	1,529,756 00	86
Paxton,	174	321,911 00	18
Petersham,	290	713,469 00	39
Phillipston,	189	317,555 00	18
Princeton,	314	932,909 00	51
Royalston,	345	760,525 00	42
Rutland,	254	460,895 00	26
Shrewsbury,	426	1,157,279 00	63
Southborough,	545	1,401,967 00	77
Southbridge,	1,235	3,210,879 00	1 75
Spencer,	1,262	2,786,234 00	1 54
Sterling,	439	1,166,371 00	64
Sturbridge,	575	1,140,047 00	64
Sutton,	688	1,469,105 00	82
Templeton,	755	1,314,781 00	74
Upton,	503	859,936 00	49
Uxbridge,	686	1,872,254 00	1 02
Warren,	796	1,557,419 00	87
Webster,	1,359	2,486,999 00	1 40
Westborough,	1,049	2,448,983 00	1 35
West Boylston,	665	1,161,436 00	66
West Brookfield,	442	848,347 00	48
Westminster,	443	874,917 00	49
Winchendon,	1,041	2,245,237 00	1 24
Worcester,	13,341	53,488,687 00	28 51
Total,	54,881	\$151,474,149 00	\$82 47

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 190 AN ACT TO DIVIDE THE COMMONWEALTH INTO FORTY DISTRICTS
FOR THE CHOICE OF SENATORS.

Be it enacted, &c., as follows :

Senatorial
districts.

SECTION 1. For the purpose of choosing senators until the next decennial census, the Commonwealth is hereby divided, agreeably to the provisions of the constitution, into forty districts, as hereinafter specified.

Cape District.

SECTION 2. The towns in the counties of Barnstable, Dukes county and Nantucket shall constitute a district, to be known as the Cape District.

SECTION 3. The county of Bristol is divided into three districts, as follows :—

Third Bristol
District.

The city of New Bedford and the towns of Acushnet, Dartmouth, Fairhaven, Freetown and Westport, shall constitute a district, to be known as the Third Bristol District.

Second Bristol
District.

The city of Fall River and the towns of Berkley, Dighton, Rehoboth, Somerset and Swanzey, shall constitute a district, to be known as the Second Bristol District.

First Bristol
District.

The city of Taunton and the towns of Attleborough, Easton, Mansfield, Norton, Raynham and Seekonk, shall constitute a district, to be known as the First Bristol District.

SECTION 4. The county of Plymouth (together with the town of Cohasset in the county of Norfolk) is divided into two districts, as follows :—

First Plymouth
District.

The towns of Carver, Duxbury, Halifax, Hanson, Kingston, Lakeville, Marion, Mattapoisett, Middleborough, Marshfield, Plymouth, Plympton, Pembroke, Rochester, Scituate, South Scituate and Warcham, shall constitute a district, to be known as the First Plymouth District.

Second Plym-
outh District.

The towns of Abington, Bridgewater, Brockton, Cohasset, East Bridgewater, Hingham, Hull, Hanover, Rockland, South Abington and West Bridgewater, shall constitute a district, to be known as the Second Plymouth District.

SECTION 5. The county of Norfolk (exclusive of the town of Cohasset) is divided into two districts, as follows :—

First Norfolk
District.

The towns of Braintree, Canton, Holbrook, Milton, Quincy, Randolph, Stoughton and Weymouth, in the county of Norfolk, shall constitute a district, to be known as the First Norfolk District.

Second Norfolk
District.

The towns of Bellingham, Brookline, Dedham, Dover, Franklin, Foxborough, Hyde Park, Medway, Medfield, Norfolk, Needham, Norwood, Sharon, Wrentham and

Walpole, in the county of Norfolk, shall constitute a district, to be known as the Second Norfolk District.

SECTION 6. The county of Suffolk is divided into eight districts, as follows :—

The city of Chelsea, the towns of Revere and Winthrop, and the wards numbered one and two in the city of Boston, shall constitute a district, to be known as the First Suffolk District.

First Suffolk District.

The wards numbered three, four and five, in the city of Boston, shall constitute a district, to be known as the Second Suffolk District.

Second Suffolk District.

The wards numbered six, seven and eight, in the city of Boston, shall constitute a district, to be known as the Third Suffolk District.

Third Suffolk District.

The wards numbered nine, ten, eleven and twelve, in the city of Boston, shall constitute a district, to be known as the Fourth Suffolk District.

Fourth Suffolk District.

The wards numbered thirteen, fourteen and fifteen, in the city of Boston, shall constitute a district, to be known as the Fifth Suffolk District.

Fifth Suffolk District.

The wards numbered sixteen, seventeen and eighteen, in the city of Boston, shall constitute a district, to be known as the Sixth Suffolk District.

Sixth Suffolk District.

The wards numbered nineteen, twenty and twenty-one, in the city of Boston, shall constitute a district, to be known as the Seventh Suffolk District.

Seventh Suffolk District.

The wards numbered twenty-two, twenty-three and twenty-four, in the city of Boston, shall constitute a district, to be known as the Eighth Suffolk District.

Eighth Suffolk District.

SECTION 7. The county of Essex is divided into six districts, as follows :—

The city of Lynn and the towns of Nahant, Saugus and Swampscott, shall constitute a district, to be known as the First Essex District.

First Essex District.

The city of Salem and the towns of Marblehead, Peabody and Lynnfield, shall constitute a district, to be known as the Second Essex District.

Second Essex District.

The city of Gloucester and the towns of Rockport, Essex, Manchester, Beverly, Hamilton and Wenham, shall constitute a district, to be known as the Third Essex District.

Third Essex District.

The city of Newburyport and the towns of Newbury, Rowley, Ipswich, Salisbury, Amesbury and West Newbury, shall constitute a district, to be known as the Fourth Essex District.

Fourth Essex District.

Fifth Essex District.

The city of Haverhill and the towns of Bradford, Groveland, Boxford, Middleton, Georgetown, Topsfield and Danvers, shall constitute a district, to be known as the Fifth Essex District.

Sixth Essex District.

The city of Lawrence and the towns of Methuen, Andover and North Andover, shall constitute a district, to be known as the Sixth Essex District.

SECTION 8. The county of Middlesex is divided into seven districts, as follows :—

First Middlesex District.

The city of Somerville and the towns of Everett, Malden and Medford, shall constitute a district, to be known as the First Middlesex District.

Second Middlesex District.

The city of Newton and the towns of Arlington, Belmont, Lexington, Waltham and Watertown, shall constitute a district, to be known as the Second Middlesex District.

Third Middlesex District.

The city of Cambridge shall constitute a district, to be known as the Third Middlesex District.

Fourth Middlesex District.

The towns of Ashland, Framingham, Holliston, Hopkinton, Marlborough, Natick, Sherborn, Wayland and Weston, shall constitute a district, to be known as the Fourth Middlesex District.

Fifth Middlesex District.

The towns of Acton, Ashby, Ayer, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Hudson, Lincoln, Littleton, Maynard, Pepperell, Shirley, Stow, Sudbury, Townsend, Tyngsborough and Westford, shall constitute a district, to be known as the Fifth Middlesex District.

Sixth Middlesex District.

The towns of Bedford, Billerica, Burlington, Melrose, North Reading, Reading, Stoneham, Tewksbury, Wakefield, Wilmington, Winchester and Woburn, shall constitute a district, to be known as the Sixth Middlesex District.

Seventh Middlesex District.

The city of Lowell shall constitute a district, to be known as the Seventh Middlesex District.

SECTION 9. The county of Worcester is divided into five districts, as follows :—

First Worcester District.

The city of Worcester shall constitute a district, to be known as the First Worcester District.

Second Worcester District.

The towns of Blackstone, Boylston, Douglas, Grafton, Mendon, Milford, Northborough, Northbridge, Shrewsbury, Southborough, Upton, Uxbridge and Westborough, shall constitute a district, to be known as the Second Worcester District.

The towns of Auburn, Brookfield, Charlton, Dudley, Leicester, Millbury, Oxford, Southbridge, Spencer, Sturbridge, Sutton, Warren, Webster and West Brookfield, shall constitute a district, to be known as the Third Worcester District.

The towns of Athol, Barre, Dana, Gardner, Hardwick, Holden, Hubbardston, New Braintree, North Brookfield, Oakham, Paxton, Petersham, Phillipston, Royalston, Rutland, Templeton and Winchendon, shall constitute a district, to be known as the Fourth Worcester District.

The city of Fitchburg, and the towns of Ashburnham, Berlin, Bolton, Clinton, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster and West Boylston, shall constitute a district, to be known as the Fifth Worcester District.

SECTION 10. The county of Hampden is divided into two districts, as follows:—

The city of Springfield and the towns of Brimfield, Holland, Monson, Palmer, Wales and Wilbraham, shall constitute a district, to be known as the First Hampden District.

The city of Holyoke and the towns of Agawam, Blandford, Chester, Chicopee, Granville, Longmeadow, Ludlow, Montgomery, Russell, Southwick, Tolland, Westfield and West Springfield, shall constitute a district, to be known as the Second Hampden District.

SECTION 11. The towns in the county of Hampshire shall constitute a district, to be known as the Hampshire District.

SECTION 12. The towns in the county of Franklin shall constitute a district, to be known as the Franklin District.

SECTION 13. The county of Berkshire is divided into two districts, as follows:—

The towns of Adams, Cheshire, Clarksburg, Dalton, Florida, Hancock, Hinsdale, Lanesborough, New Ashford, Peru, Pittsfield, Savoy, Williamstown and Windsor, shall constitute a district, to be known as the North Berkshire District.

The towns of Alford, Becket, Egremont, Great Barrington, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Richmond, Sandisfield, Sheffield, Stockbridge, Tyringham, Washington and West Stockbridge, shall constitute a district, to be known as the South Berkshire District.

Elections during
the present year.

SECTION 14. In case a new election is ordered during the present political year, to fill any vacancy in the senate, said election shall be held in the district which elected the senator whose place is vacant, notwithstanding anything in this act.

SECTION 15. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 191 AN ACT TO AMEND AN ACT INCORPORATING THE OLD COLONY WHARF COMPANY.

Be it enacted, &c., as follows :

Amendment to
1873, 244, § 3.

SECTION 1. Section three of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-three is hereby amended by adding the following words: or until the real estate now or formerly owned by the Boston Land and Wharf Improvement Company shall be deeded to said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 192 AN ACT CONCERNING THE ELECTION OF TOWN OFFICERS IN WILLIAMSTOWN.

Be it enacted, &c., as follows :

Election of town
officers con-
firmed.

SECTION 1. The election of moderator and town officers in the annual town meeting in Williamstown held on the twentieth day of March last past, so far as said election may appear illegal for the reason that the check-list was not used in said election, is ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 193 AN ACT TO CONFER A VETO POWER ON THE MAYORS OF CITIES.

Be it enacted, &c., as follows :

Veto power con-
ferred upon
mayors of cities.

SECTION 1. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council of any city may be necessary, except on a question of a convention of the two branches or the election of any officer, and every order of either branch of the city council, involving the expenditure of money, shall be presented to the mayor of the city. If he approves thereof, he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections, in writing, to the branch of the city council in which it

originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

SECTION 2. In any city where the mayor acts as presiding officer of the board of aldermen he shall have no right to vote, and the board of aldermen of any such city may elect one of their number as president, who shall preside at all meetings of the board in the absence of the mayor, anything in the charter of such city or in any act in amendment thereof to the contrary notwithstanding.

Mayor not to vote where he presides at board of aldermen.

SECTION 3. Chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three is hereby repealed.

Repeal of 1873, 139.

Approved April 27, 1876.

AN ACT TO EXTEND THE TIME FOR COMPLETING THE NEW STATE PRISON.

Chap. 194

Be it enacted, &c., as follows:

The time fixed in chapter one hundred and fifty-five of the acts of the year eighteen hundred and seventy-three for completing the new state prison, is hereby extended two years: *provided*, that the commissioners for the erection of said prison may make such changes in the plans therefor as may improve said prison without increasing the expense of constructing the same; such changes to be approved by the governor and council.

Time extended for completion.

Commissioners may make changes in plans.

Approved April 27, 1876.

AN ACT TO ESTABLISH THE POLICE COURT OF THE CITY OF NEWTON.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. A police court is hereby established in Newton, under the name of the police court of Newton; and said city shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same

Police court established in Newton.

Powers and
duties.

jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided in respect to existing police courts, except the municipal court of Boston and the municipal court of Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures and otherwise, and the required returns applicable to the several police courts, except those before mentioned, shall apply to the police court of Newton.

One standing
justice and two
special justices.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws.

Clerk to be
appointed by
governor.

SECTION 3. There shall be a clerk of said court, who shall, in the first instance, be appointed and commissioned by the governor, and shall hold his office until a successor is chosen and qualified, as is provided by law in the case of clerks of police courts; and all vacancies in said office, caused by removal or otherwise, shall be filled as is provided by law in like cases.

Salaries of justice
and clerk.

SECTION 4. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them, shall be such as is provided by law in similar cases. The clerk of said court shall receive an annual salary of nine hundred dollars, to be paid from the treasury of the Commonwealth.

Terms of court.

SECTION 5. The court shall be held at the city hall in Newton, every day except on Sundays and legal holidays, for criminal business, and for civil business once each week and oftener if said standing justice shall see fit.

Proceedings
commenced
before trial justice,
etc., to be
prosecuted, etc.

SECTION 6. All proceedings duly commenced before any trial justice or justice of the peace for the county of Middlesex, within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed.

SECTION 7. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace

shall hereafter be allowed any fees for warrants issued within said district or elsewhere, for offences committed in said district; and all warrants so issued shall be made returnable before said court.

Justices of peace not to receive fees for issuing warrant.

SECTION 8. So far as the appointing, commissioning and qualifying the standing justice and special justices and the clerk of said court are concerned, this act shall take effect upon its passage; and it shall take full effect in sixty days from its passage.

When to take effect.

Approved April 27, 1876.

AN ACT TO ABOLISH TRIALS BY JURY IN MUNICIPAL, DISTRICT AND POLICE COURTS, AND BEFORE JUSTICES OF THE PEACE. *Chap. 196*

Be it enacted, &c., as follows:

SECTION 1. Trial by jury in civil actions or other proceedings before municipal, district and police courts and justices of the peace, is hereby abolished.

Trials by jury before police courts, etc., abolished.

SECTION 2. Any party aggrieved by a decision of a cause, by any police, district or municipal court, may appeal therefrom to the superior court in the same manner provided for appeals to the superior court from decisions of justices of the peace, except as is provided by chapter three hundred and fifteen of the acts of the year eighteen hundred and seventy-one for appeals from the municipal courts of the city of Boston.

Right of appeal.

SECTION 3. No deputy sheriff, constable or other officer shall receive any compensation for any services in attending the sessions of any police or district court, except such as he may be entitled to receive by law for the service of any process which he by law may be required to serve.

Officers not to be paid for attendance.

SECTION 4. This act shall take effect the first day of June next.

Approved April 27, 1876.

AN ACT CONCERNING THE ADMISSION OF PERSONS TO PRACTICE AS ATTORNEYS AT LAW. *Chap. 197*

Be it enacted, &c., as follows:

SECTION 1. A citizen of this state, or an alien who has made the primary declaration of his intention to become a citizen of the United States, and who is an inhabitant of this state, of the age of twenty-one years and of good moral character, may on the recommendation of an attorney, petition the supreme judicial court or superior court to be examined for admission as an attorney, whereupon the court shall assign a time and place for the examination, and if satisfied with his acquirements and qualifications he shall be admitted.

Admission to practice as attorneys-at-law, upon examination.

Repeal of G. S.
121, §§ 28, 29.

SECTION 2. Sections twenty-eight and twenty-nine of chapter one hundred and twenty-one of the General Statutes are hereby repealed.

Approved April 27, 1876.

Chap. 198 AN ACT TO FIX THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF BRISTOL.

Be it enacted, &c., as follows:

Salary of clerk
established.

SECTION 1. The clerk of the second district court of Bristol shall receive one thousand eight hundred dollars per annum, in full compensation for his own services and those of his assistants, commencing with the first day of January in the present year.

Compensation
of assistants.

SECTION 2. The county treasurer of the county of Bristol shall pay to the present clerk of said court the sum of seven hundred and ninety-two dollars, to reimburse said clerk for moneys paid by him to his assistants up to the first day of said January, under the direction of the justice of said court and with the advice of the district attorney.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 199 AN ACT TO AUTHORIZE IN CERTAIN CASES THE MORTGAGE OF REAL ESTATE HELD IN TRUST.

Be it enacted, &c., as follows:

Real estate held
in trust may be
mortgaged by
permission of
the court.

SECTION 1. The court having jurisdiction of any trust created by will or other written instrument, when it shall appear to the court to be for the interest of the trust estate, may on petition, notice, unless dispensed with, and hearing, authorize the trustee or trustees to mortgage the real estate or any part thereof, of which they are seized or possessed, for the purpose of paying any lien or mortgage on such estate or any part thereof, or to make an agreement for the extension or renewal of any mortgage already subsisting thereon.

Maximum rate
of interest, etc.

SECTION 2. In such case the court shall prescribe the maximum rate of interest, and may order the interest, and the whole or any part of the principal of the mortgage to be paid from time to time out of the income of the estate mortgaged, and may further order the trustee or trustees to give bonds, unless exempted therefrom by the laws relating to the giving of bonds in like cases.

License to be
set forth in
mortgage.

SECTION 3. A mortgage made under license of court by a trustee or trustees, shall set forth that it is so made, and the date of the license.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1876.

AN ACT RELATING TO THE APPOINTMENT OF SPECIAL ADMINISTRATORS. *Chap. 200**Be it enacted, &c., as follows:*

SECTION 1. At any time and place, the judge of a probate court having jurisdiction of the matter, may in his discretion appoint, either with or without notice to the parties interested, a special administrator to collect and preserve the effects and estate of a deceased person.

Special administrators may be appointed.

SECTION 2. Every such administrator, before entering upon the duties of his trust, shall give bond with sufficient surety or sureties, in such sum as the judge shall order, payable to the judge and his successors, with condition that he will make and return into the probate court within such time as the judge shall order, a true inventory of all the goods, chattels, rights and credits of the deceased, and that he will truly account on oath for all the goods, chattels, debts and effects of the deceased, that shall be received by him as such special administrator, whenever required by the probate court, and will deliver the same to the person who shall be appointed executor or administrator of the deceased, or to such other person as shall be lawfully authorized to receive the same.

To give bonds.

SECTION 3. All the provisions of sections six, seven, eight, nine, ten, eleven, twelve and thirteen of chapter ninety-four of the General Statutes shall be applicable, except as hereinbefore provided, to any special administrator appointed by virtue of this act.

Provisions of G. S. 94, §§ 6-13 to apply.

SECTION 4. Any appointment, decree or order made under the provisions of this act, shall be entered forthwith on the records of the court.

Appointment, etc., to be entered upon the records.

SECTION 5. This act shall take effect upon its passage.

*Approved April 27, 1876.*AN ACT IN RELATION TO CALLING MEETINGS OF THE STOCKHOLDERS OF RAILROAD CORPORATIONS. *Chap. 201**Be it enacted, &c., as follows:*

SECTION 1. The president of any railroad corporation organized under the laws of this Commonwealth shall call a meeting of the stockholders of such corporation within ten days after receiving a written request therefor, signed by not less than thirty of said stockholders; such meeting to be held not more than thirty days from the date of the call: *provided*, that where the number of stockholders in any such corporation is less than thirty, the request of a

Meetings to be called by president upon application of thirty stockholders.

majority of such stockholders only shall be required for a call for such meeting.

Penalty for neglect.

SECTION 2. Any president of a railroad corporation who shall neglect or refuse to call such meeting when so requested, shall be subject to a fine of not less than one hundred nor more than one thousand dollars.

Approved April 27, 1876.

Chap. 202 AN ACT RELATING TO THE PUNISHMENT OF BANK, SAFE AND VAULT ROBBERY.

Be it enacted, &c., as follows :

Penalty for compelling person to open a bank-vault, etc.

SECTION 1. Whoever, with intent to commit the crime of larceny or any felony, shall confine, maim, injure or wound, or attempt or threaten to confine, kill, maim, injure or wound, or shall put in fear any person, for the purpose of stealing from any building, bank, safe, vault or other depository of money, bonds or other valuables, or shall by intimidation, force or threats, compel or attempt to compel any person to disclose or surrender the means of opening any building, bank, safe, vault or other depository of money, bonds or other valuables, or shall attempt to break, burn, blow up or otherwise injure or destroy any safe, vault or other depository of money, bonds or other valuables in any building or place, shall, whether he succeeds or fails in the perpetration of such larceny or felony, be punished by imprisonment in the state prison for life, or for any term of years.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1876.

Chap. 203 AN ACT IN RELATION TO SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, &c., as follows :

Savings banks and institutions for savings.

SECTION 1. All savings banks or institutions for savings, incorporated under the authority of this state, may exercise the powers, and shall be governed by the rules, and be subject to the duties, liabilities and provisions contained in the following sections, so far as the same are consistent with the provisions of their respective charters, and any such corporation may by vote at its annual meeting, or at a meeting called for the purpose, accept any provision of this act which is inconsistent with any provision of its charter, in lieu of such inconsistent provision.

Officers of corporation.

SECTION 2. The officers of every such corporation shall consist of a president, one or more vice-presidents, a board of not less than nine trustees, treasurer, clerk, and such

other officers as may be found necessary for the management of its affairs. The president, vice-presidents and trustees shall be chosen from the members of the corporation, and no person shall hold any office in two such corporations at the same time: *provided*, that any person who shall hold any office in more than one such corporation at the time this act shall take effect, may continue to hold the same until the next annual meeting of such corporation thereafter.

Not to hold office in two such corporations.

SECTION 3. Such officers shall be sworn, and shall hold their several offices until others are chosen and qualified in their stead; and the treasurer shall give bond, to the satisfaction of the trustees, for the faithful discharge of the duties of his office.

Officers to be sworn.

Treasurer to give bond.

SECTION 4. The officers, except the treasurer, shall be chosen at the annual meetings of such corporations, to be holden at such time as the by-laws direct, anything in their charters to the contrary notwithstanding. The treasurer shall be appointed by the trustees, and shall hold his office during their pleasure. If any office becomes vacant during the year, the trustees may appoint a person to fill the same until it is filled at the next annual meeting, and if any person chosen or appointed to any office, shall not within thirty days after such choice or appointment take the oath of office, his office shall thereupon become vacant. It shall be the duty of the person acting as clerk at such meeting, within ten days thereafter, to notify all persons elected to any office, and within thirty days thereafter to publish in some newspaper published within the county, a list of all persons who have taken the oath of office to which they were elected. Any clerk neglecting to make such notification or such publication, or making a false publication, and any person who knowingly publishes or circulates, or knowingly causes to be published or circulated, any printed notice containing the name of any person as an officer of any savings bank or institution for savings in this state who has not taken the oath of his office, shall be liable to a penalty of fifty dollars.

Officers, except treasurer, to be chosen at annual meeting.

Clerk to notify persons elected, and publish their names, after oath of office has been taken.

SECTION 5. Such corporations may at any time hold special meetings by order of the trustees; and the treasurer shall also notify special meetings upon the requisition in writing of any ten members of the corporation. Notice of all meetings shall be given by public advertisement in some newspaper of the county where the corporation is estab-

Special meetings.

lished, or by seasonably mailing to each member of such corporation a written or printed notice of such meeting.

Any citizen of the state eligible as member of corporation.

SECTION 6. Every such corporation may, at a legal meeting, elect by ballot any citizen of this state to be a member thereof; and any person may, at any annual meeting, cease to be a member, by filing a written notice of his intention so to do with the treasurer three months at least before such meeting. No person shall continue to be a member after removing from the state.

Meetings of board of trustees, to be held once in three months.

SECTION 7. A regular meeting of the board of trustees of every such corporation shall be held as often as once in three months, for the purpose of receiving the report of its treasurer, and for the transaction of other business. A quorum shall consist of not less than seven trustees, but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting. At such regular meeting it shall be the duty of the trustees to cause to be prepared a statement showing the condition of the corporation as it appears upon its books, in the form of a trial-balance of its accounts, and such statement shall be posted in a conspicuous place in the banking-room of the corporation, and there remain until the next regular meeting of said board. A record shall be made at each meeting, of the transactions of the board and the names of the trustees present. Whenever a trustee shall fail to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such trustee, for six consecutive months, the office of such trustee shall thereupon become vacant. A record of such vacancy shall be entered upon the books of the corporation, and a transcript of this record shall be sent by mail to the person whose place as trustee is thus made vacant.

Record to be made of transactions and names of trustees present.

May receive deposits up to \$1,000, and allow interest until whole amounts to \$1,600.

SECTION 8. Every such corporation may receive deposits from any person until they amount to one thousand dollars, and allow interest upon such deposits and upon the interest accumulated thereon, until the principal, with the accrued interest, amounts to sixteen hundred dollars; but interest shall be allowed thereafter upon no greater sum than sixteen hundred dollars: *provided*, that the limitations contained in this section shall not apply to deposits by religious or charitable corporations.

Investments.

SECTION 9. All such deposits and the income derived therefrom, and all deposits made under any order of court, or other lawful authority, shall be invested only as follows:—

First. On first mortgages of real estate, situated in this state, in an amount not to exceed sixty per cent. of the valuation of such real estate: but not exceeding seventy per cent. of the whole amount of deposits shall be so invested or loaned; and no mortgage-loan shall be made by any such corporation except upon the report of a committee of not less than two members of its board of investment, who shall certify to the value of the premises to be mortgaged, according to their best judgment, and such report shall be filed and preserved with the records of the corporation.

First mortgages
of real estate.

Second. In the public funds of any of the New England states; of the state of New York or of the United States; in the bonds or notes of any city, county or town in this state; in the bonds or notes of any of the cities of the New England states; or on the notes of any citizen of this state with a pledge of any of the aforesaid securities at no more than the par value thereof.

Public funds of
New England
states, New
York and United
States.
Bonds of cities,
etc.

Third. In the first mortgage bonds of any railroad company, incorporated under the authority of this state, which is in possession of and operating its own road, and which has earned and paid regular dividends for two years next preceding such investment; or on the notes of any citizen of this state with a pledge as collateral of any of the aforesaid securities, at no more than eighty per cent. of the par value thereof: *provided*, the term "railroad," as used in this section, shall not be construed to include street railway companies.

First mortgage
bonds of rail-
roads chartered
by this state.

Fourth. In the stock of any bank incorporated under the authority of this state; or the stock of any banking association located in this state, and incorporated under the authority of the United States; or on the notes of any citizen of this state with a pledge as collateral of any of the aforesaid securities at no more than eighty per cent. of the market value and not exceeding the par value thereof: *provided, however*, that such corporation shall not hold, both by way of investment and as security for loans, more than one-quarter of the capital stock of any one bank or banking association, nor invest more than ten per cent. of its deposits, nor more than one hundred thousand dollars, in the capital stock of any such bank or association. Savings banks may deposit on call in such banks or banking associations, and receive interest for the same, sums not to exceed twenty per cent. of the amount deposited in said savings banks.

Bank stock.

Proviso.

Personal
securities.

Fifth. If the money held by any such corporation cannot be conveniently invested in any or all of the modes hereinbefore prescribed, it may loan not exceeding one-third part of the amount thereof on bonds or other personal securities, with at least two sureties: *provided*, that the principal and sureties shall all be citizens of this state, and resident therein; and *provided, further*, that such loans shall not be for a longer time than one year.

Banking house.

Sixth. Ten per cent. of the deposits of any such corporation, and not exceeding two hundred thousand dollars, may be invested in the purchase of a suitable site, and the erection or preparation of a suitable building for the convenient transaction of its business.

Officers not to
borrow money
of bank.

SECTION 10. No member of a committee or board of investment, or officer of such corporation charged with the duty of investing its funds, shall borrow or use any portion thereof, be surety for loans to others, or in any manner, directly or indirectly, be an obligor for money borrowed of, or loaned by, the corporation; and whenever such member or officer shall become the owner of real estate upon which a mortgage is held by the corporation of which he is such member or officer, his said office shall become vacant at the expiration of sixty days after the acquisition thereof, unless he shall have ceased to be the owner thereof or shall have caused said mortgage to be discharged. Only one of the active officers of such corporation, meaning the president, clerk and treasurer, shall at the same time be a member of its investing committee.

Not to receive
brokerage or
commission.

SECTION 11. No such corporation, or any person acting in its behalf, shall negotiate, take or receive any fee, brokerage, commission, gift or other consideration for or on account of any loan made by or on behalf of such corporation, either to his own use or the use of such corporation, other than shall appear on the face of the note or contract by which such loan shall purport to be made: *provided*, that nothing herein contained shall apply to any reasonable charge for services in the examination of titles and preparation of conveyances to such corporation as security for its loans. Whoever violates any provision of this section, shall be punished by a fine not less than one hundred dollars, and not exceeding one thousand dollars, to be recovered on complaint in any court of competent jurisdiction. All sums paid for

Proviso.

services, fees, or otherwise, to any member of the board of trustees shall be reported in detail at each regular meeting of the board of trustees.

SECTION 12. All applications for loans shall be made in writing, through the treasurer of such corporation, who shall keep a record thereof, showing the date, name of applicant, amount asked for, and the security offered, and he shall cause the same to be presented to the board of investment.

Record to be kept of applications for loans.

SECTION 13. Every such corporation shall, at the time of making each semi-annual dividend as hereinafter provided, reserve from the net profits which may have accumulated during the six months then next preceding, not less than one-eighth nor more than one-fourth of one per cent. of the whole amount of deposits as a guarantee fund, until such guarantee fund shall amount to five per cent. of the whole amount of deposits, which fund shall be thereafter maintained and held to meet losses in its business from depreciation of its securities, or otherwise.

Guarantee fund to be created.

SECTION 14. The income or profit of all such corporations, after a deduction of all reasonable expenses incurred in the management thereof, and the guarantee fund hereinbefore provided, shall be divided among the depositors or their legal representatives at times fixed by the by-laws of such corporations in the following manner: Ordinary dividends shall be made every six months, and shall not exceed two and one-half per cent. on all sums which shall have been on deposit for six months preceding, or one and one-fourth per cent. on all sums which shall have been on deposit for three months preceding; and no ordinary dividend shall be declared or paid except as above provided, nor upon any deposit of less than three months' standing: *provided, however*, such corporations may, by their by-laws, provide that no dividends shall be declared or paid on a less sum than three dollars, or on the fractional part of a dollar.

Net income to be divided among depositors.

Dividends.

SECTION 15. Whenever, at the time provided by the by-laws of such corporation for making ordinary dividends, the net profits for the six months preceding, over and above the sum to be added to the guarantee fund as hereinbefore provided, do not amount to two per cent. of its deposits, no dividend of its profits shall be declared or paid, except such as shall be approved in writing by the commissioners of savings banks.

Dividend not to be paid unless net income is two per cent. of deposits.

Extra dividend may be paid once in every three years.

SECTION 16. Once in every term of three years, when the net profits which may have accumulated over and above said guarantee fund and dividends amount to one per cent. of the deposits which have remained in such corporation for one year then next preceding, such net profits shall be divided among the depositors whose deposits shall have remained in such corporation for one year at least then next preceding, in proportion to the amount of dividends which may have been declared on their deposits during the three years then next preceding.

Trustees to examine before dividend is declared.

SECTION 17. No dividend shall be declared until the trustees of such corporation cause an examination to be made and find that the amount thereof has actually accrued; and no dividend or interest shall be paid to a depositor unless authorized by a vote of the trustees, after such examination.

Withdrawal of deposits.

SECTION 18. The principal deposits in such corporations may be withdrawn at such time or in such manner as the corporation in its by-laws directs, but the deposits so withdrawn shall be deducted in each case from the amounts last deposited. Money deposited in the name of a minor, may, at the discretion of the trustees or committee of investment, be paid to such minor, or to the person making such deposit; and the same shall be a valid payment.

Rights of claimants to money on deposit, in actions against corporation.

SECTION 19. In all actions against any such corporation for money on deposit therewith, if it shall appear that the same fund is claimed by any other party than the plaintiff in such action, whether husband or wife of such plaintiff, or otherwise, the court in which such action is pending may, on the petition of such corporation and on such notice as it considers proper to the plaintiff and such claimants, order the proceedings to be amended by making such claimants parties defendant thereto; and thereupon the rights and interests of the several parties to the said action, in and to said funds, shall be heard and determined.

Deposits to remain until final judgment.

The deposits which are the subject of said action may remain with such corporation until final judgment in the action, and shall be paid in accordance with the order of the court; or the said deposit may be paid into court to await final judgment in the action, and when so paid into court the corporation shall be stricken out as a party to such action and its liability for such deposit shall cease. The taxable costs of the corporation in the actions herein

named shall in all cases be in the discretion of the court, and may be charged upon the fund affected by such action, but in no case to the bank.

SECTION 20. Whenever any deposit shall be made in such corporation by any one in trust for another, the name and residence of the person for whom such deposit is made shall be disclosed, and the deposit shall be credited to the depositor as trustee for such person; and when no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the corporation, in the event of the death of the trustee, the deposit or any part thereof, together with the interest thereon, may be paid to the person for whom the said deposit was made, or his legal representative.

When deposit is in trust, name of person for whom made, to be disclosed.

SECTION 21. The treasurer of every such corporation, upon making up each semi-annual dividend, shall send written notice by mail to each depositor who for six months then next preceding, shall not have been entitled to a dividend on the whole amount standing to his credit, because the same exceeds the amount on which interest is allowed, specifying the amount not entitled to dividends.

Depositor to be notified, when deposit exceeds amount entitled to dividend.

SECTION 22. Every such corporation shall once in five years publish in some newspaper of the county where such corporation is established, a list of the amounts standing to the credit of depositors which have not been entitled to dividends for two years then next preceding, because the same exceeds the amount on which interest is allowed, with the names and last known residences of the persons to whose credit the amounts stand; which publication shall be continued in three successive papers.

List of depositors, etc., not entitled to dividend, to be published once in five years.

SECTION 23. The treasurer of every such corporation shall annually make a report, showing accurately the condition thereof, as it was at the close of business on the last business day of October; which report shall be made to the commissioners of savings banks within fifteen days after said day, and shall be in such form as they shall prescribe; and said report shall specify the following particulars, namely:—name of corporation and number of corporators; place where located; amount of deposits; amount of each item of other liability; public funds, including all United States, state, county, city and town bonds, stating each particular kind, the par value, estimated market value, and amount invested in each; loans on public funds, stating amount on each; bank stock, stat-

Treasurer to make annual report to commissioners of savings banks.

Particulars to be
stated in annual
report.

ing par value, estimated market value, and amount invested in each; loans on bank stock, stating amount on each; railroad bonds, stating par value, estimated market value, and amount invested in each; loans on railroad bonds, stating amount on each; estimated value of real estate, and amount invested therein; loans on mortgage of real estate; loans to county, city or town; loans on personal security; cash on deposit in banks, with the names of such banks, and the amount deposited in each; cash on hand. Such report shall also state the whole amount of interest or profits received or earned, and the rate and amount of each semi-annual dividend for the previous year; the times for dividends fixed by the by-laws; the average annual per cent. of dividends for the term ending at the time of and including the last extra dividend; the rates of interest received on loans; the total amount of loans bearing each specified rate of interest; the number of outstanding loans which are of an amount not exceeding three thousand dollars each, and the aggregate amount of the same; the number of open accounts; also the number and amount of deposits received; the number of deposits received of and not exceeding three hundred dollars at one time; the number and amount of withdrawals; the number of accounts opened, and the number of accounts closed, severally, for the previous year; annual expenses of the corporation; all of which shall be certified and sworn to by the treasurer. And five or more of the trustees of the corporation shall certify and make oath that the said report is correct according to their best knowledge and belief.

Blank forms of
reports to be
furnished by
commissioners.

SECTION 24. Blank forms of such reports shall be furnished to every such corporation, by the commissioners of savings banks; and they shall prepare annually from such reports, and communicate to the legislature, on or before the first Wednesday in January, a statement of the condition of each corporation, from which a report has been received for the preceding year; and make such suggestions as they deem expedient, relative to the general conduct and condition of each of the corporations visited by them.

Overseers of
poor to be
notified, upon
request, of
deposits to
the credit of
paupers.

SECTION 25. The treasurer of every such corporation shall, upon the written request of any overseer of the poor of any city or town in this state, signed by him, inform such overseer of the amount, if any, deposited in the cor-

poration of which he is treasurer, to the credit of any person named in such request, who may be, at the time, a charge upon the state, or any city or town therein, as a pauper; and if he unreasonably refuses to give the information, or wilfully renders false information, he shall forfeit fifty dollars for every such offence to the use of the city or town upon which such pauper is a charge, or to the state, if the pauper is a charge upon the state.

SECTION 26. Such corporation may hold real estate where the same is acquired by the foreclosure of a mortgage thereon, owned by such corporation, or by purchase at sales made under the provisions of any mortgage owned by such corporation, or upon judgments for debts due it, or in settlements effected to secure such debts; and all such real estate shall be sold by such corporation within five years after the same shall be vested in it. Real estate.

SECTION 27. The legislature may make other or further regulations for the government of such corporations, or take away their corporate powers; and such corporations and their officers shall be subject to examination by a committee of the legislature, in like manner and under all the liabilities and penalties provided in chapter fifty-seven of the General Statutes with respect to the examination of banking corporations. Subject to examination by committee of the legislature.

SECTION 28. Sections one hundred and thirty-five to one hundred and fifty-five inclusive, of chapter fifty-seven of the General Statutes, section nine of chapter ninety-two of the acts of the year eighteen hundred and sixty-one, chapter one hundred and twenty of the acts of the year eighteen hundred and sixty-two, chapter two hundred and thirty-four and chapter one hundred and seventy-five of the acts of the year eighteen hundred and sixty-three, chapter two and chapter one hundred and twenty-six of the acts of the year eighteen hundred and sixty-four, sections six and ten of chapter one hundred ninety-two of the acts of the year eighteen hundred and sixty-six, chapter two hundred and three of the acts of the year eighteen hundred and sixty-seven, chapter forty-nine and chapter two hundred and twenty-seven of the acts of the year eighteen hundred and sixty-eight, chapter two hundred and twenty-six of the acts of the year eighteen hundred and seventy, chapter two hundred and sixty-two of the acts of the year eighteen hundred and seventy-one, chapter two hundred and ninety-three of the acts of the year eighteen Repeal.

hundred and seventy-two, chapter eighty-four and chapter three hundred and ninety-three of the acts of the year eighteen hundred and seventy-four, and chapter one hundred of the acts of the year eighteen hundred and seventy-five, are hereby repealed.

Repeal of certain acts and sections not to revive laws heretofore repealed or superseded.

SECTION 29. The repeal of certain sections of the General Statutes and of certain acts, as provided in the preceding section hereof, shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished; it shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any suit or proceeding had or commenced before the repeal takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act; it shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed, except that where a punishment, penalty or forfeiture is mitigated by the provisions of this act, such provisions may be extended and applied to any judgment pronounced after said repeal; it shall not affect any suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred under any of the acts repealed, except that the proceeding therein shall, when necessary, conform to the provisions of this act; and when a limitation or period of time prescribed in any of the acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in this act, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of this act. All persons who at the time when said repeal takes effect hold any office under any of the acts repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished and those to which a different provision has been made by the legislature. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments, and references in laws not repealed to provisions of laws incorporated into this act and repealed, shall be construed as applying to the same provisions so incorporated.

To take effect Oct. 1, 1876.

SECTION 30. This act shall take effect on the first day of October next: *provided*, that nothing herein contained

shall require any savings bank or institution for savings to change any of its investments made before the time this act takes effect.

Approved April 27, 1876.

AN ACT TO REDUCE THE EXPENSES AND INCREASE THE EFFICIENCY OF THE MILITIA. *Chap. 204*

Be it enacted, &c., as follows:

SECTION 1. In time of peace the active militia shall consist of not more than sixty companies of infantry, three companies of cavalry, three companies of light artillery and two corps of cadets. Active militia.

SECTION 2. The maximum number of officers, non-commissioned officers, musicians and privates in a company of infantry shall be fifty-one; and in companies of cavalry and artillery, eighty. Maximum number of officers and privates.

SECTION 3. The commander-in-chief shall, within three months after the passage of this act, arrange the companies, exclusive of the cadet corps, into regiments of eight companies each, and battalions of two or more companies each, and form them into two brigades. The two brigades thus constituted, together with the two corps of cadets, shall be under the immediate orders of the commander-in-chief. Commanding officers thereof shall be held responsible by the commander-in-chief for the discipline and efficiency of their commands. Companies to be arranged into regiments and battalions.

SECTION 4. The commissions of all general and field officers, with their respective staffs, with the exception of the staff of the commander-in-chief, now serving in the militia, shall expire upon the passage of this act, and they shall receive from the commander-in-chief an honorable discharge from the service. Commissions of general and field officers, etc., to expire.

During the reorganization of the militia as hereinbefore provided, the commander-in-chief shall, at such times as seem to him advisable, order elections to fill vacancies.

SECTION 5. The commissions of all line officers now in force shall continue not longer than five years from the date of the passage of this act, and hereafter all officers of the militia shall be commissioned for the term of five years only, but every officer shall be eligible to a reelection, and if so reelected shall take rank according to the date of his first commission of the same grade. Commissions of line officers to continue.

SECTION 6. Upon the passage of this act the inspector-general and such assistants as may be necessary for the early accomplishment of the purpose, shall proceed to the inspection of the companies of artillery, cavalry and in- Companies to be inspected, and lowest in order of inspection to be mustered out, or disbanded.

fantry. The inspection shall be made with relation to numbers, discipline, drill, records, condition of public property in possession, and any other matters affecting the character and efficiency of the organization. The inspector-general shall report to the commander-in-chief the result of the inspections made by him or his assistants, and the commander-in-chief shall in orders direct the muster-out or disbandment of the companies which shall be lowest in order of inspection, and proceed to reorganize the force of the state upon the basis provided in section nineteen, chapter three hundred and twenty, acts of eighteen hundred and seventy-four, not exceeding two brigades; and the commander-in-chief shall from time to time disband any company or companies which are reported by the inspector-general to be below the proper standard of efficiency. In battalions of four or six companies, elections shall not be authorized for officers of higher grade than major and lieutenant-colonel, respectively.

Inspector-general to be appointed by commander-in-chief.

SECTION 7. The commander-in-chief shall appoint upon his staff an inspector-general, who shall be other than the adjutant-general, with the rank of brigadier-general, and shall receive the same pay and allowances as other officers of the same rank, and in addition, the sum of five cents a mile for necessary travel to and from the place of inspection. He shall present his accounts for expenses incurred in the performance of his duty to the auditor of accounts for allowance.

Troops to be inspected at encampments by inspector-general.

SECTION 8. At each encampment the troops shall be inspected by the inspector-general, his assistants or such other officer as he shall indicate. Assistant inspectors-general shall make their reports in duplicate, forwarding one to the inspector-general direct, and the other to the adjutant-general through the usual military channels.

Returns to be made by officers on the first days of July and December.

SECTION 9. Every officer whose duty it is, under section seventy of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, to make return on the first day of December, annually, of all property received by him, and for which he is by law accountable, shall be required to make a like return also on the first day of July, annually. And any such officer who shall not make the required return within fifteen days after the same is due, shall be reported to the commander-in-chief for such action as the case may require.

Pay and allowances reduced twenty percent.

SECTION 10. From and after the first day of June of the present year, the pay and allowances of officers and

enlisted men shall be reduced twenty per cent. from the rates established by existing laws.

SECTION 11. So much of sections fifty-seven, fifty-eight and fifty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, as authorizes the purchase of uniforms for the militia at the expense of the Commonwealth, is hereby repealed. Uniforms not to be furnished.

SECTION 12. No allowance shall be made for mounted bands. Mounted bands.

SECTION 13. The volunteer militia shall no longer be required to parade annually on the last Wednesday in May for inspection, company drill and manœuvre. May inspection abolished.

SECTION 14. The judge-advocate-general shall receive, when on duty, the same pay and allowances as other officers of his grade, and in addition, the fees allowed to judge-advocates, as provided in section one hundred and sixty-three of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, and shall receive no other compensation. Compensation of judge-advocate-general.

SECTION 15. The inspector-general and two other officers, designated by the commander-in-chief, shall constitute a board to inspect and condemn the public property which has or may become unfit for use, and no public property shall be sold until it has been inspected and condemned as herein provided, and such condemnation approved by the commander-in-chief. All sales of condemned public property shall be by public auction, unless the commander-in-chief shall otherwise direct, and the proceeds of such sales shall be paid into the treasury. Board of officers to inspect and condemn public property.

SECTION 16. Section one hundred and thirty-four of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, is hereby repealed. Repeal of 1874, 320, § 134.

SECTION 17. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO ESTABLISH THE SALARIES OF THE ADJUTANT-GENERAL AND THE SEVERAL EMPLOYÉS IN THE ADJUTANT-GENERAL'S DEPARTMENT.

Chap. 205

Be it enacted, &c., as follows :

SECTION 1. The salary of the adjutant-general shall be two thousand five hundred dollars per annum. Salaries established—Adjutant-general.

SECTION 2. The salary of the first clerk shall be two thousand dollars per annum. First clerk.

SECTION 3. The salary of the second clerk shall be eighteen hundred dollars per annum, to be computed from Second clerk.

and after the first day of May in the year eighteen hundred and seventy-six.

Extra clerks.

SECTION 4. The salaries of the extra clerks shall not exceed thirteen hundred dollars each per annum.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 206 AN ACT IN RELATION TO THE RAILROAD COMMISSIONERS AND THEIR CLERK.

Be it enacted, &c., as follows :

Railroad commissioners and clerk not to make business contracts, &c., with railroads.

SECTION 1. No person holding the office of railroad commissioner, or of clerk for the railroad commissioners, shall, during his term of office, personally or through any partner or agent, render any professional services, or make or perform any business contracts with or for any railroad corporation chartered under the laws of this Commonwealth, excepting contracts made with such corporation in their capacity of common carriers, nor shall he directly or indirectly receive any commission, bonus, discount, present or reward from any such corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 207 AN ACT RELATING TO THE PREPARATION OF THE LIST OF JURORS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

List of jurors to be prepared by registrars of voters, posted publicly for ten days, and then submitted to board of aldermen.

The list of jurors in the city of Boston shall be prepared, in the manner prescribed by law, once in each year in the months of January and February by the board of registrars of voters in said city, who shall post the same in two public places for a period of at least ten days, and shall thereafter submit the same to the board of aldermen of said city, who shall have power to revise and accept it according to law, and after such revision and acceptance, shall proceed in the manner prescribed for selectmen of towns by section eight of chapter one hundred and thirty-two of the General Statutes, and shall place the ballots in a box to be kept by the city clerk for the purpose.

Approved April 28, 1876.

Chap. 208 AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND NEMASKET RIVER.

Be it enacted, &c., as follows :

Fisheries regulated.

SECTION 1. No shad or alewives shall be taken in any part of Taunton Great River or Nemasket River between the hours of twelve o'clock in the night following Thurs-

day of each week and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June of each year, including both of said days.

Section five of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, and chapter two hundred and fifty-eight of the acts of the year eighteen hundred and seventy-one, are hereby repealed. Repeal.

SECTION 2. Not more than one seine shall be cast, set, swept or used on said rivers, within the same limits or over the same ground and at the same fishing place or location, nor shall any seine be cast, set, swept or used within forty rods of any other seine. Any person violating this section shall pay a fine of not less than fifty nor more than two hundred dollars, and whoever violates the provisions of the first section, shall be liable to the penalties and forfeitures provided in said chapter four hundred and one of the acts of the year eighteen hundred and fifty-five. Not more than one seine to be used over the same ground.
Penalty.

SECTION 3. This act shall take effect on the first day of July next.

Approved April 28, 1876.

AN ACT IN ADDITION TO SECTION FOUR OF CHAPTER ONE HUNDRED AND TWELVE OF THE GENERAL STATUTES RELATING TO THE REMOVAL OF CLERKS OF COURTS.

Chap. 209

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter one hundred and twelve of the General Statutes is hereby amended by inserting the words "district or municipal" after the word "police." Removal of clerks of courts.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO FIX THE SALARIES OF THE INSURANCE COMMISSIONER, HIS DEPUTY AND CLERKS.

Chap. 210

Be it enacted, &c., as follows:

SECTION 1. The insurance commissioner, who shall also act as actuary, shall receive in full compensation for all services both as commissioner and actuary, an annual salary of four thousand dollars; and his deputy shall receive an annual salary of two thousand five hundred dollars. Salaries—Insurance commissioner and deputy.

SECTION 2. The clerks of the insurance commissioner shall receive annual salaries as follows, viz. :—

The first clerk, one thousand eight hundred dollars; the second clerk, one thousand five hundred dollars; one extra clerk, one thousand two hundred dollars; all other clerks Clerks.

who may be necessarily employed, not exceeding eight hundred and forty dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 211 / AN ACT TO REVISE THE CHARTER OF THE CITY OF FALL RIVER.

Be it enacted, &c., as follows:

City to continue
a body cor-
porate.

SECTION 1. The inhabitants of the city of Fall River, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of the City of Fall River; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Mayor, alder-
men and com-
mon council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be called the mayor; one council of six, to be called the board of aldermen; one council of eighteen, to be called the common council; which bodies, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices.

Division of city
into wards.

SECTION 3. The city council may, in the year eighteen hundred and eighty, and not oftener than once in five years thereafter, revise, and, if needful, make a new division of the city into such number of wards, not less than six nor more than twelve, as said council shall deem the interests of the city may require, and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the month of May in said years; but no such division of wards shall have the effect to change the boundary lines of any representative district previously established; and until such revision be made, the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to one alderman and three common councilmen.

Warrants for
meetings of
citizens to be
issued by mayor
and aldermen.

SECTION 4. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and alder-

men, and shall be in such form, and shall be served, executed and returned in such manner and at such times as the city council may by ordinance direct.

All elections shall be had at meetings of the citizens qualified to vote therein in their respective wards, at the times duly fixed for such elections respectively.

The mayor and aldermen shall, within two days after such elections, examine and compare the returns, and make out certificates of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

Examination of
returns of elec-
tions.

SECTION 5. The citizens entitled to vote for state officers, shall on the Tuesday next after the first Monday of December, annually, meet together in their several wards, at such place and hour as the mayor and aldermen may by their warrants appoint, and give in their ballots for mayor, aldermen, common councilmen and ward officers, all of whom shall hold their offices for the municipal year next following said meeting, and until others shall have been chosen and qualified; and in the case of aldermen and common councilmen, until a majority of both branches shall have been chosen and qualified; and the municipal year shall begin on the first Monday in January following.

Annual munic-
ipal election.

If the choice of aldermen, common councilmen or ward officers shall not be effected on that day in any ward, by reason of two or more persons receiving the same number of ballots for the same office, the mayor and aldermen shall forthwith cause a warrant to be issued to complete such election.

SECTION 6. The mayor shall be an inhabitant and qualified voter of the city, and shall be elected by the qualified voters of the city at large. One alderman, three common councilmen, and the following ward officers, viz., a warden, clerk and three inspectors of elections, who shall be different persons, shall be elected by the qualified voters of each ward, and shall be inhabitants and qualified voters of the ward where elected.

Mayor to be an
inhabitant and
qualified voter
in city.

SECTION 7. The warden, clerk and inspectors shall respectively make oath or affirmation faithfully and impartially to perform their several duties, which oath or affirmation may be administered by the clerk to the warden, and by the warden to the clerk and inspectors, or to either

Ward officers to
be sworn.

of said officers, by any justice of the peace, and a certificate thereof shall be entered on the records of the ward by the clerk.

Warden to preside at meetings, and clerk to record proceedings.

It shall be the duty of the warden to preside at all ward meetings, with the power of moderators of town meetings, and to assort, count and declare, in open ward meeting, all ballots given in at such meeting.

It shall be the duty of the clerk to record all proceedings and certify the ballots given in at any election, in a book to be provided by the city for that purpose; to deliver to each person elected alderman, common councilman or ward officer, within forty-eight hours after his election, a certificate thereof, signed by the warden, clerk and a majority of the inspectors; to enter upon the ward records, in open ward meeting, the names of all persons receiving votes, the number of votes cast for each person, written in words at length, and the title of the office for which he is proposed; and a transcript of such record, certified by the warden, clerk and a majority of the inspectors, shall forthwith be delivered by such ward clerk to the city clerk. On the expiration of his term of office, the ward clerk shall deliver all books, records, documents, papers and other things held by him in his capacity as said clerk, to the city clerk, by whom, such of them as need be, shall be delivered to the new ward clerk.

Ward clerk to deliver all books, etc., to city clerk upon expiration of term of office.

It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the ballots given in at any election.

If warden is absent, clerk to call meeting to order and preside.

SECTION 8. If at any meeting the warden shall not be present, the clerk of said ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen, and if at any meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen, and if both the warden and clerk shall be absent, the senior in age of the inspectors of elections of said ward present may preside until a warden *pro tempore* shall be chosen; and in case of the absence of all said officers, the constable who returns the warrant may call the meeting to order and preside until a warden *pro tempore* shall be chosen; and whenever any of the inspectors shall be absent, his office shall be filled *pro tempore*. All ward officers shall be chosen by ballot.

City clerk to enter copies of ward records

SECTION 9. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards

received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the journal of the board of aldermen, or a book kept for that purpose.

SECTION 10. Within two days after any election for mayor, the board of aldermen shall examine the returns of votes from the several wards, and shall cause the person who received the highest number of votes for mayor to be notified in writing of his election. If it shall appear by said returns that no person is elected, or if the person elected omits or declines to accept the office within seven days after the notification aforesaid, the board shall cause the fact to be entered upon the records of the city, and shall issue their warrant for a new election, and the same proceedings shall be had in all respects as are provided with reference to the first election for mayor; and so on, from time to time, until a mayor is chosen who accepts the office.

SECTION 11. The mayor shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, to exercise a general supervision over the conduct and acts of all subordinate officers, to examine into all complaints preferred against them for violation or neglect of duty, and as far as is in his power, cause all negligence, carelessness or violation of duty to be duly prosecuted and punished; and whenever in his judgment the good of the city may require it, he may call meetings of the city council, or either branch thereof, by causing a written notice to be left at the place of residence of each member, or delivered to him in person, although the meeting of said branches, or either of them, may stand adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor from time to time shall communicate to the city council or either branch thereof, all such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall, when present, preside in the board of aldermen and in convention of the two branches of the city council, but shall have no right to vote. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, sub-

upon journal of
board of alder-
men.

Election of
mayor.

Mayor to be
chief executive
officer of the
city.

To preside in
board of alder-
men and in con-
vention.

ject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection.

Organization
of city govern-
ment.

SECTION 12. The persons returned to serve as aldermen and members of the common council shall, on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; the board of aldermen shall be called to order by the mayor elect, or in his absence, by the senior member; the common councilmen shall be called to order by the senior member, and on the appearance of a quorum of each branch, notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention. If no mayor who accepts the office has been chosen prior to said first Monday in January, the city clerk shall read the record of that fact in presence of the persons assembled; otherwise the oath of office shall be administered to the mayor elect by the city clerk or by any justice of the peace. The oath of office shall be administered to the members present by the mayor or by any justice of the peace; and a certificate thereof shall be entered in the journals of the board of aldermen and of the common council by their respective clerks.

Aldermen to
elect a chair-
man.

SECTION 13. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet, and when a quorum shall be present, said board shall proceed to choose one of their number as permanent chairman, who shall, in the absence of the mayor, preside at all meetings of said board, and in convention of the two branches, and in case of any vacancy in the office of mayor for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy shall continue; and he shall always have a vote in said board, and in convention of the two branches, but shall not in addition have a casting vote. In the absence of the mayor and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

Common coun-
cilmen to elect
a president.

SECTION 14. The persons chosen and qualified as common councilmen shall meet and act together as a separate body, distinct from the board of aldermen, except in those cases in which the two bodies meet in convention; and the

common council shall have power from time to time to choose by ballot one of their number as president, who shall preside over their deliberations and preserve order and decorum therein. The city auditor shall be clerk of the common council, and shall be sworn to the faithful discharge of his duties as such. It shall be the duty of the clerk to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other duties in said capacity as said council may require. In the absence of the clerk, a clerk *pro tempore* may be chosen and shall be duly qualified.

SECTION 15. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof, whereupon the board of aldermen shall issue their warrants in due form for the election of mayor, and the same proceedings shall be had as are hereinbefore provided for the choice of mayor, and the mayor thus elected shall hold his office during the remainder of the municipal year, and until another is chosen and qualified in his stead. Vacancy in the office of mayor.

SECTION 16. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation or any other cause, in the board of aldermen or common council, it shall be the duty of the board of aldermen to issue their warrants to fill such vacancy, and the same proceedings shall be had as are hereinbefore prescribed for the election of aldermen and common councilmen. And the person elected to fill such vacancy shall be sworn to the faithful discharge of the duties of his office, and may serve for the unexpired term. Vacancy in the board of aldermen or common council.

But in case of a vacancy in the common council, such warrant shall not be issued until the board of aldermen receive notice thereof from said council.

SECTION 17. Any person chosen a member of the board of aldermen or of the common council, who shall not be qualified at the organization of the city council on the first Monday in January, or who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time by the mayor in presence of the board of aldermen. Aldermen and councilmen not qualified at organization, may be qualified subsequently.

Each board to judge of election of members.

SECTION 18. Each board shall keep a record of its proceedings, and judge of the returns, elections and qualifications of its own members.

Quorum.

SECTION 19. A majority of each branch of the city council shall constitute a quorum for doing business.

City council to fix compensation and define duties of officers.

SECTION 20. The city council shall fix the compensation of all officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth, and all sums of money received by any officer in his official capacity from any source, shall be duly accounted for and paid over to the city treasurer monthly: *provided*, that no compensation shall be paid to members of the common council; and *provided, further*, that the salary of the mayor shall not be changed after the last Monday in November.

Members of city council not to hold city office of emolument.

SECTION 21. No member of the board of aldermen or common council, shall at the same time hold any office of emolument, the salary of which is paid from the treasury of the city; and the acceptance of any such office by any alderman or common councilman shall be deemed and taken to be a resignation of his seat, and the place so vacated shall be filled as hereinbefore provided.

City to take care that money shall not be paid from the treasury unless appropriated.

SECTION 22. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of all city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and the city council shall, as often as once a year, cause to be published, for the use of the inhabitants of the city, a particular account of receipts and expenditures, and a schedule of city property and the city debts.

Executive power to be vested in mayor and aldermen.

SECTION 23. The executive power of said city generally, together with the administration of the police, and all the powers vested in the selectmen of towns by the laws of the Commonwealth, shall be, and hereby are, vested in the mayor and aldermen as fully as if the same were herein specially enumerated, and the mayor and

aldermen shall have full and exclusive power and authority to appoint a city marshal, and such number of assistant marshals, constables and police officers as they shall deem expedient; and the same may be removed by the mayor, or board of aldermen, when such officers do not faithfully and efficiently perform their duties. The mayor and aldermen may require any person who may be elected or appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of his office, with such surety and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Constables, etc.,
may be required
to give bonds.

SECTION 24. All other powers vested in the inhabitants of towns in this Commonwealth, and all powers granted by this act, shall be vested in the mayor, aldermen and common councilmen of said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city clerk, a city treasurer, collector of taxes, auditor, city solicitor, city physician, and one or more surveyors of highways, and shall, in such manner as the city council may determine, by ordinance made for that purpose, elect all other officers necessary for the good government, peace and health of the city, not herein otherwise directed, who shall hold their offices for the term of one year from the first Monday of March of each year, and until their successors shall be chosen and qualified: *provided, however*, that any officer elected by the city council, may be removed at any time by said council for sufficient cause; and in case of the death, resignation or removal of any officer elected by the city council, his place may be filled in the manner provided in this section for the election of city officers, and any person so elected shall hold office only for the unexpired term.

Powers vested
in towns, to be
vested in mayor,
aldermen and
common council.

SECTION 25. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him, and shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his suc-

City clerk to be
sworn, and have
charge of records.

To be clerk of
board of alder-
men.

cessor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon, or vested in, clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a clerk *pro tempore*, who shall be duly qualified.

Assessors of
taxes.

SECTION 26. The city council shall elect, by joint ballot, in convention, three persons to be assessors of taxes, one to serve one year, one to serve two years, and one to serve three years from the first Monday of March next following and until their successors are respectively chosen and qualified. In each succeeding year, as soon after the organization of the city council as may be convenient, said council shall elect by joint ballot in convention, one assessor of taxes, who shall hold his office for the term of three years from the first Monday of March in said year, and until his successor is chosen and qualified.

The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish additional provisions not inconsistent therewith.

School com-
mittee.

SECTION 27. The members of the school committee shall be elected by the qualified voters of the city, at meetings held in the several wards, on the Tuesday next after the first Monday of December annually, and shall serve for the term of three years, from the first Monday in January next ensuing. The board of school committee shall consist of the mayor *ex officio*, who shall be chairman of the board, and twelve other members, six of whom shall be selected at large, and one of whom shall be selected

from each of the six wards of the city, one-third of whom shall be elected annually in such manner as the city council by ordinance may determine : *provided*, that at the first election held after this act takes effect the whole number shall be elected, and shall be divided into classes to serve for one, two and three years, as may be prescribed by such ordinance. In case the number of wards shall be increased, the city council may by ordinance increase the number of the school committee so that each additional ward shall be entitled to one member thereof.

SECTION 28. The overseers of the poor shall consist of Overseers of the poor. the mayor, the chairman of the board of aldermen, the president of the common council and four other persons, neither of whom shall hold any other office in the city government and who shall be elected by concurrent vote of the city council, and shall be sworn to the faithful discharge of their duties. In the month of January next after the date when this act takes effect, two of said last named persons shall be elected to serve for one year, and two to serve for two years, and thereafter, in January of each year, two of said persons shall be elected to serve for two years. In case of a vacancy in the board of overseers of the poor, from any cause, the city council shall fill such vacancy by electing a person to serve for the remainder of the term; and all overseers of the poor shall serve until their successors are chosen and qualified. The overseers of the poor may appoint a secretary, and define his duties; and the compensation of such secretary shall be fixed by the city council. Said overseers shall have all the powers heretofore conferred upon the overseers of the poor of the city of Fall River, and all the powers of overseers of the poor in towns, but shall receive no compensation for their services except by vote of the city council.

SECTION 29. All powers and authority now vested by law in the board of health for towns or in the selectmen thereof, shall be vested in the city council, to be by them exercised in such manner as they may deem expedient; and the city council may constitute either branch, or any committee of their number, either joint or separate, the board of health for all or for particular purposes. Powers vested in boards of health of towns to be vested in city council.

SECTION 30. The city council may by ordinance establish a fire department, to consist of a chief engineer, a superintendent of fire alarm telegraph, and so many assistant engineers, enginemen, hosemen and hook-and-ladder Fire department.

men, as the city council shall from time to time determine to be necessary for the interests of the city; and said council shall have authority to make such provisions in relation to the time and mode of appointment and the occasion and mode of removal of any officer or member of said department, to make such regulations in respect to their qualifications and periods of service, to define their offices and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government as they shall deem expedient: *provided*, that the appointment of superintendent of fire alarm telegraph, enginemen, hosemen and hook-and-ladder men, shall be made by the mayor and aldermen exclusively.

Engineers of the department.

The engineers of the department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties incumbent upon firewards, as are vested in and conferred upon firewards and engineers of fire departments by the statutes of this Commonwealth. The city council may, by ordinance, make regulations concerning the management of fires, and the conduct of all persons attending or present thereat, the removal and protection of property, for the examination of any buildings and places where combustible materials are supposed to be kept or deposited, and to require and enforce the removal of such materials or substances at the expense of the person or persons on whose premises the same shall be found, and the adoption of suitable safeguards against fires, and the loss or destruction of property thereat. Said city council may construct reservoirs for water, procure land, buildings, furniture, engines, and such other apparatus as may be necessary for the purposes of the fire department, and provide for the use, control and preservation thereof. The city council may appropriate and expend such sums of money for the relief of firemen disabled in the service of the city, and for the relief of the families of firemen killed in the performance of their duty, as they may deem just and proper.

Reservoirs and apparatus for extinguishing fires.

Laying out streets, etc., and estimation of damages.

SECTION 31. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any

street or way, shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court or the county commissioners of the county of Bristol in term time or vacation, within one year after such decision, whereupon the same proceedings shall be had as are now provided by law in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes, and acts in amendment thereof.

SECTION 32. The mayor and aldermen may cause the streets, lanes and avenues of the city to be lighted, and for that purpose may erect posts, and construct lamps, lay gas-pipes or other apparatus in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect said purposes.

Streets may be lighted, gas-pipes laid, etc.

SECTION 33. The city council shall have power within said city to make and establish such ordinances and by-laws not inconsistent with the laws of the Commonwealth, as towns have power by law to make and establish; such ordinances and by-laws to have force and effect within such city, without revision or approval by the superior court or any justice thereof; and to modify, amend or repeal the same; and to annex penalties, not exceeding twenty dollars, for the breach thereof.

Ordinances and by-laws.

SECTION 34. All fines, forfeitures and penalties accruing for the breach of any by-law or ordinance of the city council, may be prosecuted for and recovered before the second district court of Bristol, holden in said city of Fall River, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the district courts within this Commonwealth, reserving, however, in all cases to the party complained of and prosecuted, the right of appeal to the superior court then next to be held in the county of Bristol, and the appeal shall be allowed in the same terms, and the proceedings shall be conducted therein in the same manner as provided in the statutes of this Commonwealth; and it shall be sufficient in all such prosecutions, to set forth in the complaint the offence, fully, plainly, substantially and formally, and it shall not be necessary to set forth such by-law or ordinance, or any part thereof. All fines, forfeitures and penalties so recovered and paid, shall be paid to the treasurer of the city of Fall River, and shall inure to such uses

Fines and forfeitures for breach of ordinances.

To be paid out of city treasury.

as the city council shall direct. When any person, upon any conviction before the second district court of Bristol, for the breach of any by-law or ordinance of the city council, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law or ordinance, or upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and costs so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture or penalty and costs, or be otherwise discharged according to law.

Repeal of 1854,
257, and acts in
amendment
thereto.

Proviso.

SECTION 35. Chapter two hundred and fifty-seven of the acts of the year eighteen hundred and fifty-four, entitled "An Act to establish the city of Fall River," and sundry acts in amendment of the same, are hereby repealed: *provided*, that such repeal shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished; it shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts, ratified or confirmed, or any suit or proceeding had or commenced before the repeal takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act; it shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed, except that where a punishment, penalty or forfeiture is mitigated by the provisions of this act, such provisions may be extended and applied to any judgment pronounced after said repeal; it shall not affect any suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred under any of the acts repealed, except that the proceeding therein shall, when necessary, conform to the provisions of this act; and when a limitation or period of time prescribed in any of the acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in this act, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of this act. All persons who at the time when said repeal takes effect hold any office under any of the acts repealed, shall

Persons in office
to continue, etc.

continue to hold the same according to the tenure thereof, except those offices which have been abolished and those as to which a different provision has been lawfully made. The provisions of this act, so far as they are the same as those of the existing charter, shall be construed as a continuation thereof and not as new enactments, and references in laws not repealed to provisions of laws incorporated into this act shall be construed as applying to the same provisions so incorporated; and *provided, also*, that all the ordinances and by-laws of the city of Fall River which shall be in force at the time when the said repeal shall take effect, shall continue in force until the same are repealed by the city council, and all persons holding office under such ordinances and by-laws shall continue to hold such offices according to the tenure thereof. The legislature may at any time alter, amend or repeal this act.

Officers to continue to hold according to tenure.

Proviso.

SECTION 36. This act shall take effect on its passage, but be void unless accepted by the qualified voters of the city of Fall River present and voting by ballot "yes" or "no," at meetings warned for the purpose in the several wards by the board of aldermen, to be held on or before the seventh day of November next; and it shall be the duty of the board of aldermen, within thirty days of the passage of this act, to cause a sufficient number of copies hereof to be printed and distributed among the voters of said city, and to warn meetings in the several wards to be held on some day within sixty days after such passage, and to furnish at such meetings a sufficient number of ballots printed separately with the word "yes" and the word "no"; and at such meetings the same proceedings shall be had respecting the receiving, sorting, counting, declaring, recording and making returns of votes as is provided by law for elections in cities; and the board of aldermen within two days after such meetings shall examine the returns from the several wards; and if the act appears not to have been accepted by a majority of the qualified voters present and voting in the several wards, the board of aldermen may if they see fit warn other meetings in the several wards for the same purpose, to be held on some day not sooner than sixty days after those previously held, and again meetings for a third time; and whenever it shall appear that a majority of the qualified voters present and voting in the several wards at meetings thus duly warned, have voted to accept this act, the mayor

Subject to acceptance by the qualified voters of the city.

Proclamation to be made of acceptance, and notice sent to Secretary of the Commonwealth.

shall immediately make proclamation of the fact and the city clerk shall transmit notice thereof to the secretary of the Commonwealth, and thereupon this act shall have full force and effect.

Approved April 28, 1876.

Chap. 212 AN ACT IN RELATION TO THE APPOINTMENT OF SPECIAL COMMISSIONERS FOR ALTERATION OF RAILROAD CROSSINGS.

Be it enacted, &c., as follows :

Special commis-
sioners for alter-
ation of railroad
crossings.

SECTION 1. A justice of the supreme judicial court, in appointing a special commission provided for in section one of chapter two hundred and thirty-one of the acts of the year eighteen hundred and seventy-five, shall designate one of the board of railroad commissioners as a member of such commission.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 213 . AN ACT CONCERNING THE ADOPTION OF CHILDREN.

Be it enacted, &c., as follows :

Petition to pro-
bate court for
leave to adopt
a child.

SECTION 1. Any person of the age of twenty-one years or upwards, may petition the probate court in the county of his residence, for leave to adopt as his child any other person, younger than himself, except as hereinafter provided. If the petitioner have a husband or wife living, who is competent to join in such petition, the prayer of the petition shall not be granted unless the husband or wife joins therein, and upon adoption the child shall be deemed the child and heir of both.

Decree of
adoption.

SECTION 2. No decree for such adoption shall be made, except as hereinafter provided, without the written consent of the child, if above the age of fourteen years; and also, of the lawful parents, or surviving parent,—of the parent having the lawful custody of the child, if the parents be divorced, or are living separate,—of the guardian of the child, if any,—of the mother only of the child if illegitimate,—or of the person or persons who shall be substituted for either of the above named, by the provisions of this act. No person whose consent is hereby made requisite shall be debarred from being the adopting parent in said proceedings. In case of a subsequent adoption, the consent of the previous adopting parent shall also be required: *provided, however,* that the consent of the persons hereinbefore named shall not be required in the cases hereinafter excepted.

Proviso.

SECTION 3. The consent of the persons other than the child named in the preceding section, shall not be requisite, if the person to be adopted be of adult age.

Adoption of an adult.

SECTION 4. The consent of any person other than the child named in sections one and two, shall not be necessary, if such person be adjudged by the court hearing the petition to be hopelessly insane, or is imprisoned in the state prison or a house of correction in this state, under sentence for a term of which more than three years remain unexpired at the date of the petition, nor if he has wilfully deserted and neglected to provide proper care and maintenance for such child for two years next preceding the date of the petition; nor if he has suffered such child to be supported by any charitable institution incorporated by law, or as a pauper by any city or town, or by the state, for more than two years continuously, prior to the petition; nor if he has been convicted of being a common drunkard and neglects to provide proper care and maintenance for such child; nor if such person has been convicted of being a common night-walker, or of being a lewd, wanton and lascivious person and neglects to provide proper care and maintenance for such child: *provided*, however, that a giving up in writing of the child, for the purpose of adoption to any charitable institution incorporated by law, shall operate as a consent to any adoption subsequently approved by such institution. Notice of said petition shall be given to the visiting agent of the board of state charities in case the child is supported as a pauper by any city or town, or by the state.

Consent to adoption, other than the child's, not required in certain cases.

Proviso.

SECTION 5. Whenever the written consent required by the preceding sections is not submitted to the court with the petition, the court shall order notice, by personal service on the parties, of a copy of the petition and order thereon, or, if they be not found within the state, by publication thereof once a week, for three successive weeks, in such newspaper or newspapers as the court shall order, the last publication to be seven days at least before the time appointed for the hearing. And in any case the court may require such additional notice and consent as may be deemed proper.

If consent is not submitted with petition, court to order notice thereon.

SECTION 6. Any person not appearing at the appointed time and place, and then objecting to such adoption, shall be held to have consented thereto, except as provided in section twelve of this act; but if no one consents or ap-

Parties not appearing shall be held to have consented.

pears, the court may, if it see fit, appoint a guardian *ad litem*, with power to give or withhold consent.

Decree of the court.

SECTION 7. If satisfied of the identity and relations of the parties, and that the petitioner is of sufficient ability to bring up the child, and furnish suitable nurture and education, and that it is proper such adoption should take place, the court shall make a decree, by which, except as regards succession to property, all rights, duties, responsibilities and other legal consequences, including settlement, of the natural relation of child and parent, shall thenceforward exist between the child and the petitioner and his kindred, and shall, except as regards marriage, incest or cohabitation terminate between the person so adopted and his natural parents and kindred, or any previous adopting parent; and the court may also decree such change of name as the petitioner may request: *provided, however*, that if the person so adopted be of adult age, he shall not thereby be freed from the obligations of section four of chapter seventy of the General Statutes.

Inheritance of property.

SECTION 8. As to the inheritance of property, any person adopted in accordance with the provisions of this act, shall take the same share which he would have taken if born to said adopting parent in lawful wedlock, of any property which such parent could have devised by will. In respect to inheritance also, he shall stand in regard to the legal descendants, but to no other of the kindred, of his adopting parent in the same position as if born to him in lawful wedlock. In case the person adopted dies intestate, his property, acquired by himself, or by gift or inheritance from his adopting parent, or the kindred of such parent, shall be distributed according to the provisions of chapters ninety-one and ninety-four of the General Statutes, among the persons who would have been his kindred if he had been born to his adopting parent in lawful wedlock; and any property received by gift or inheritance from his natural parents or kindred, shall be distributed in the same manner as if no act of adoption had taken place; such distribution to be ascertained in such manner as the court may decree. No person shall, by being adopted, lose his right to inherit from his natural parents or kindred.

Person adopted not to lose right of inheritance from natural kindred.

The term "child" in a grant, etc., to include child by adoption.

SECTION 9. The term "child," or its equivalent, in any grant, trust-settlement, entail, devise or bequest, shall be held to include any child adopted by the settler, grantor

or testator, unless the contrary plainly appears by the terms thereof; but in no other case shall a child by adoption have, under such an instrument, the rights of a child born in lawful wedlock to the adopting parent, unless it plainly appears to have been the intention of the settler, grantor or testator to include an adopted child: *provided, however*, that nothing in this act shall be construed to restrict any right to the succession to property which may have vested in any person already adopted in accordance with the laws of this Commonwealth.

SECTION 10. No person shall adopt as a child, his or her wife or husband, brother, sister, uncle or aunt, either of the whole or half blood; nor any married woman without the written consent of her husband. No act of adoption however shall be held to place the adopting parent or adopted child in any relation to any person except such parent or child different from that before existing, as regards marriage, or as respects rape, incest, cohabitation or other sexual crime committed by either or both: *provided*, that no marriage shall be contracted between any person and his or her adopted child.

Persons who may not be adopted.

SECTION 11. Any inhabitant of any other state, adopted as a child in accordance with the laws thereof, shall, upon proof of such fact, be entitled in this Commonwealth to the same rights, as regards succession to property, as he would have enjoyed in the state where such act of adoption was executed, except in so far as they conflict with the provisions of this act. Any child adopted in this Commonwealth in accordance with the laws thereof, shall retain the rights thereby conferred upon him, so far as the jurisdiction of this Commonwealth extends. In case a person, not an inhabitant of this state desires to adopt a child residing here, the petition may be made to the probate court in the county where the child resides.

Rights in this state of a child adopted in another state.

SECTION 12. Any person aggrieved by an order, denial or decree of the probate court under the provisions of this act, may appeal therefrom to the supreme judicial court, in like manner as appeals may be taken from other decrees of the probate court; and the supreme judicial court, in its discretion, may allow any parent who had no personal notice of the proceedings before the decree, to appeal at any time within one year after actual notice thereof: *provided, however*, that such parent, so appealing, shall first make oath that he was not, at the time of the petition

Right of appeal.

for adoption, undergoing imprisonment as specified in section four, or that, if so imprisoned, he has since been pardoned on the ground of innocence, or has had his sentence reversed.

Legal consequences of first decree to terminate upon second adoption.

SECTION 13. In case of a second adoption, all the legal consequences of the first decree shall terminate, except so far as any interest in property shall have vested in the child, and a decree to that effect shall be entered on the records of the court.

Repeat.

SECTION 14. The first ten sections of chapter three hundred and ten of acts of the year eighteen hundred and seventy-one, and chapter three hundred and eleven of acts of the year eighteen hundred and seventy-two, are hereby repealed: *provided*, that proceedings pending in court under said acts or either of them shall be continued conformably to the provisions of this act.

Approved April 28, 1876.

Chap. 214 AN ACT TO FIX THE COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL AND EMPLOYÉS OF THE EXECUTIVE DEPARTMENT.

Be it enacted, &c., as follows :

Salaries—Lieutenant-governor and council.

SECTION 1. The lieutenant-governor and council shall receive per year, and at the same rate for any fraction thereof as follows, namely: The lieutenant-governor two thousand five hundred dollars; members of the council one thousand two hundred dollars each.

Travelling expenses.

SECTION 2. The lieutenant-governor and each member of the council shall be paid for his travel from his place of abode to the place of sitting of the governor and council and returning home, once in each regular session held during the annual session of the legislature, and once for each subsequent session, whether consisting of one day or of several consecutive days, such sum of money, as he shall actually expend for such travel. Each member shall certify in writing the amount of such expenditures.

Private secretary and messengers.

SECTION 3. The private secretary of the governor, and the messenger and assistant-messenger in the executive department, shall receive per year, and at the same rate for any fraction thereof, in full compensation for their services, the following sums, to wit:—

The private secretary twenty-five hundred dollars; the messenger one thousand dollars; and the assistant-messenger eight hundred dollars.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT RELATING TO THE ATTENDANCE OF OFFICERS UPON DISTRICT COURTS. Chap. 215

Be it enacted, &c., as follows:

SECTION 1. The provisions of sections nine, ten, fourteen and fifteen of chapter two hundred and sixteen of the laws of the year eighteen hundred and sixty-two, shall apply to district courts in the same manner and to the same extent as to police courts. Officers not to be paid for attendance at district courts.

SECTION 2. No other fees or compensation than those authorized by the preceding section, shall be allowed or paid to any officer for attending district courts.

Approved April 28, 1876.

AN ACT IN RELATION TO THE INSPECTION OF FACTORIES AND PUBLIC BUILDINGS, AND FOR OTHER PURPOSES. Chap. 216

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the chief of the state detective force specially to detail one or more of his deputies not exceeding three to visit and examine public buildings and factories, and other establishments where people are employed at any kind of labor: and for this purpose they shall have power to enter the same, to examine the methods of protection from accidents, and the means of escape from fire, and make a record thereof. They shall see to it that all laws relating to the hours of labor are enforced; and they shall have power to prosecute offenders against the same in any court of competent jurisdiction. Said chief shall report in print to the governor on or before the first day of January next, with such remarks, suggestions and recommendations as he may deem necessary, and the duties of said detectives, for the above purposes, shall then cease. State detectives to see that laws relating to hours of labor are enforced in factories.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO LEGALIZE CERTAIN DOINGS OF THE TOWN OF GROTON. Chap. 217

Be it enacted, &c., as follows:

SECTION 1. The action of the town of Groton at its meeting held on the third day of April, eighteen hundred and seventy-six, in appropriating five hundred dollars to Doings legalized.

defray the expenses to be incurred in celebrating the centennial anniversary of our national independence on the fourth day of July next, is confirmed, legalized and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 218 AN ACT TO FIX THE SALARY OF THE SECRETARY OF THE COMMONWEALTH AND OF THE PERSONS EMPLOYED IN THE SECRETARY'S DEPARTMENT.

Be it enacted, &c., as follows:

Salaries—
Secretary.

SECTION 1. The salary of the secretary of the Commonwealth shall be three thousand dollars per annum, and at the same rate for any portion of a year.

Clerks and
messenger.

SECTION 2. The salaries of the persons employed in the department of the secretary of the Commonwealth shall be as follows, to wit: The salary of the first clerk shall be two thousand dollars; of the second clerk, one thousand five hundred dollars; of the extra clerks, not exceeding seven in number, one thousand three hundred dollars each; of all other clerks employed in said department, at a rate not exceeding eight hundred dollars each; and of the messenger, one thousand dollars per annum, and at the same rate for any portion of a year.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 219 AN ACT RELATING TO STATE AID PAID ON ACCOUNT OF CHILDREN BORN AFTER THE DEATH OF THE FATHER.

Be it enacted, &c., as follows:

State aid for
child born after
death of father.

SECTION 1. If any city or town shall hereafter pay any sum of money as state aid on account of and for the benefit of a child of a soldier, born after the death of the father in the service of the United States, there shall be allowed and paid out of the treasury of the Commonwealth to said city or town, the same sum in reimbursement as it would be entitled to receive under existing statutes had said child been born before the death of the father.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO AMEND THE GENERAL STATUTES RELATIVE TO THE DESCENT AND DISTRIBUTION OF REAL AND PERSONAL PROPERTY. *Chap. 220*

Be it enacted, &c., as follows :

SECTION 1. When a person dies seized of land, tenements or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple or for the life of another, not having lawfully devised the same, they shall descend, subject to his or her debts, in manner following :—

Descent and
distribution of
intestate estates.

First. In equal shares to his or her children, and the issue of any deceased child by right of representation ; and if there is no surviving child of the intestate, then to all his or her other lineal descendants. If all the descendants are in the same degree of kindred to the intestate, they shall share the estate equally ; otherwise, they shall take according to the right of representation.

Second. If the intestate leaves no issue, then in equal shares to his or her father and mother.

Third. If the intestate leaves no issue nor mother, then to his or her father.

Fourth. If the intestate leaves no issue nor father, then to his or her mother.

Fifth. If the intestate leaves no issue and no father nor mother, then to his or her brothers and sisters, and to the issue of any deceased brother or sister, by right of representation.

Sixth. If he leaves no issue, and no father, mother, brother nor sister, then to his next of kin in equal degree ; except that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor who is more remote.

Seventh. If the intestate leaves a widow and no kindred, his estate shall descend to his widow ; and if the intestate is a married woman, and leaves no kindred, her estate shall descend to her husband.

Eighth. If the intestate leaves no kindred, and no widow or husband, his or her estate shall escheat to the Commonwealth.

SECTION 2. Section one of chapter ninety-one of the General Statutes is hereby repealed.

SECTION 3. The descent prescribed by section one of this act shall be subject to and controlled by the pro-

visions of law respecting dower, curtesy and homestead estates.

Amendment to
G. S. 94, § 16,
cl. 3.

SECTION 4. The third clause of section sixteen of chapter ninety-four of the General Statutes is hereby amended by inserting after the words "ninety-one," in the second line of said clause, the words "or by any acts in amendment thereof or in addition thereto."

SECTION 5. This act shall take effect on the first day of October next, but shall not affect the descent or distribution of the estate of any person deceased prior to that date.

Approved April 28, 1876.

Chap. 221 AN ACT FOR THE PROTECTION OF TROUT, LAND-LOCKED SALMON
AND LAKE TROUT.

Be it enacted, &c., as follows :

Trout, etc., not
to be taken or
sold between
October 1st and
April 1st.

SECTION 1. Whoever within this Commonwealth sells, offers for sale, exposes for sale, or has in his possession trout, land-locked salmon or lake trout, except alive, between the first day of October in each year and the next succeeding first day of April, shall forfeit for each fish taken, caught or killed between said first day of October in each year and said next succeeding first day of April, and so sold, offered for sale, exposed for sale or had in his possession, the sum of ten dollars, and in all prosecutions under this act the possession of any trout, land-locked salmon or lake trout during the time included between the dates stated above shall be *prima facie* evidence to convict under this act.

Mayor and
aldermen and
selectmen to
cause law to be
enforced.

SECTION 2. The mayor or aldermen of any city, the selectmen of any town and all police officers and constables within this Commonwealth shall cause the provisions of this act to be enforced in their respective cities and towns; and all forfeitures and penalties for violations of the provisions of this act shall be paid one-half to the person making the complaint and one-half to the city or town in which the offence is committed.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 222 AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE
CHOICE OF THE COUNCIL.

Be it enacted, &c., as follows :

Division of the
Commonwealth
into councillor
districts.

SECTION 1. The Cape, the first and second Plymouth and the second and third Bristol senatorial districts shall constitute the first council district.

SECTION 2. The first Bristol, the first and second Norfolk, the eighth Suffolk and the second Worcester senatorial districts shall constitute the second council district. Councillor districts.

SECTION 3. The first and second Suffolk and the first, second and third Middlesex senatorial districts shall constitute the third council district.

SECTION 4. The third, fourth, fifth, sixth and seventh Suffolk senatorial districts shall constitute the fourth council district.

SECTION 5. The first, second, third, fourth and fifth Essex senatorial districts shall constitute the fifth council district.

SECTION 6. The sixth Essex and the fourth, fifth, sixth and seventh Middlesex senatorial districts shall constitute the sixth council district.

SECTION 7. The first, third, fourth and fifth Worcester and the first Franklin senatorial districts shall constitute the seventh council district.

SECTION 8. The Hampshire, the first and second Hampden and the north and south Berkshire senatorial districts shall constitute the eighth council district.

SECTION 9. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO AUTHORIZE THE TOWN OF MALDEN TO ISSUE ADDITIONAL WATER FUND BONDS. Chap. 223

Be it enacted, &c., as follows :

SECTION 1. The town of Malden may for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, issue bonds to an amount not exceeding fifty thousand dollars, in addition to the amount authorized by said chapter and by chapter one hundred and sixteen of the acts of the year eighteen hundred and seventy-two, upon like terms and conditions, and with like powers in all respects, as are provided in said chapter one hundred and sixty, for the issue of bonds of said town. May issue additional water fund bonds.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT FOR THE SUPPLY OF WATER TO THE STATE HOSPITAL FOR THE INSANE, IN DANVERS. Chap. 224

Be it enacted, &c., as follows :

SECTION 1. The board of commissioners appointed under the authority of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, Water supply for hospital for insane in Danvers.

entitled "An Act to establish a hospital for the insane, in the north-eastern part of the Commonwealth," are hereby authorized and empowered, with the approval of the governor and council, to enter into contract with the water commissioners of the town of Danvers for procuring a permanent supply of pure water for the state hospital for the insane, located in Danvers; such water to be furnished from the sources of supply which the said town is authorized to take and hold by the provisions of chapter one hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, entitled "An Act to supply the town of Danvers with pure water."

Authority previously granted, extended.

SECTION 2. The authority granted to said board of commissioners in chapter twenty-five of the acts of the year eighteen hundred and seventy-five, entitled "An Act to authorize the commissioners on the state hospital for the insane, in the town of Danvers, to procure a supply of pure water from Ipswich River," is hereby extended so that said board of commissioners may, at their discretion, take water from Middleton Pond, in the town of Middleton, for the purposes named in said act; and such taking shall be construed to confer upon said board of commissioners all the rights, powers and privileges, and shall be subject to all the conditions, liabilities and requirements of said act, as fully as if the same were herein specifically set forth: *provided, however*, that no action shall be taken by said board of commissioners under the authority granted in this section within thirty days after the passage of this act.

Proviso.

Payment of expenses.

SECTION 3. All expenses incurred by the said board of commissioners, under the provisions of this act, shall be defrayed from the appropriations made or to be made for the establishment of said hospital in the town of Danvers.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 225 AN ACT RELATING TO THE PREPARATION OF THE VOTING LISTS, AND ELECTIONS IN CITIES.

Be it enacted, &c., as follows:

Assessment of taxes in ward where inhabitant dwells.

SECTION 1. In the several cities of this Commonwealth it shall be the duty of the assessors to assess each inhabitant thereof who is liable to assessment for the payment of taxes, as of the first day of May in each year, in the ward of such city in which such inhabitant dwells or has his home.

SECTION 2. In the several cities of this Commonwealth it shall be the duty of the officers or board charged with the preparation of the alphabetical list of voters to be used at elections, to enter the name of each qualified voter upon the list for the ward in which he was assessed, or was liable to assessment, agreeably to the preceding section.

Lists of voters
in wards.

SECTION 3. If the assessors shall have assessed any person in another ward than the ward in which he claims to dwell or have his home, such person may, on or before the first day of September in any year, file with the officers or board charged with the preparation of the alphabetical list of voters, a notice of his claim to be registered in some other ward, specifying the same; and as soon as may be after said first day of September, the said officers or board shall notify said person, fixing a time and place of hearing; and after such hearing the said officers or board may change the ward of registry if need be, in any case; and they shall forthwith after such change give notice thereof to the assessors; and the name of no person shall be registered in any other ward than that in which he was assessed, unless a claim for such registration shall have been filed as provided in this section.

If assessed in
wrong ward,
may be rectified
upon applica-
tion to proper
officers.

SECTION 4. If a person possessing the qualifications prescribed by the constitution and laws for voting in any city of this Commonwealth, shall remove from one ward to another ward within the same city after the first day of May, and prior to any election, he shall not lose his right to vote at such election by reason of such removal; but he shall have the right to vote in the ward in which he was assessed, or was liable to assessment on the first day of May, as aforesaid, if he be otherwise qualified, and in no other ward; and said officers or board shall enter his name accordingly.

If voter moves
from one ward
to another after
May 1st he may
vote where
assessed.

SECTION 5. The entry upon the voting list of any ward, agreeably to the provisions of the foregoing section, of the name of any person who has removed from such ward into another ward after the first day of May, and prior to any election, shall not be taken or held to be evidence that he is an inhabitant of the ward from which he has thus removed.

Entry of change
on list not to be
evidence that he
is an inhabitant
of ward removed
from.

SECTION 6. Nothing contained in this act shall be construed to give the right to vote in any election in a city to any person who has ceased to be an inhabitant of such city prior to such election, although he may have been assessed

Not to be con-
strued as giving
right to vote to
inhabitant who
has removed
from the city.

therein as of the first day of May preceding; and said officers or board, in the revision of the lists, shall erase the names of all persons who have thus ceased to be inhabitants of the city. If the person so removing shall become an inhabitant of any other city or town in this Commonwealth, he may acquire the right to vote therein agreeably to the provisions of the constitution and laws respecting the qualifications of voters. When any person becomes an inhabitant of any city after the first day of May, and prior to any election, at which election he is entitled to vote agreeably to such provisions, said officers or board shall enter his name in the voting list of the ward of which he shall become an inhabitant.

Tax not invalid by mistake of assessors in ascertaining ward where person should be assessed.

SECTION 7. No tax, the payment of which is otherwise due to any city, shall be made invalid by reason of any mistake of the assessors in ascertaining the ward in which the person from whom it is due should be assessed, or by reason of anything contained in this act, or the proceedings which may be had under its provisions.

Amendment to 1873, 243, § 2.

SECTION 8. Section two of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-five, is hereby amended by striking out the words "three able and discreet men, qualified voters in said ward," and inserting in lieu thereof the words "three able and discreet men, qualified voters and inhabitants in said ward."

Repeal of 1874, 376, §§ 11, 12.

SECTION 9. Sections eleven and twelve of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, and all other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 10. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 226

AN ACT TO AUTHORIZE FURTHER EXPENDITURES FOR THE COMPLETION OF THE NEW HOSPITAL FOR THE INSANE, AT WORCESTER, AND PROVIDING FOR THE SAME.

Be it enacted, &c., as follows:

Appropriation for completion of hospital.

SECTION 1. The trustees of the Worcester Lunatic Hospital are authorized to expend for the purpose named in section one of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy, the further sum of three hundred and fifty thousand dollars, and the same is hereby appropriated, to be provided for in the same manner and under the conditions prescribed

in section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT CONCERNING MUNICIPAL, POLICE AND DISTRICT COURTS, AND THE TAXATION AND COSTS IN CIVIL AND CRIMINAL CASES IN SAID COURTS AND BY JUSTICES OF THE PEACE AND TRIAL JUSTICES.

Chap. 227

Be it enacted, &c., as follows:

SECTION 1. Municipal, district and police courts shall have concurrent jurisdiction with the superior court, of all nuisances and complaints for defective highways, and may in such cases punish by fine not exceeding one hundred dollars, or imprisonment in the jail or house of correction not exceeding one year, or by both said punishments.

Concurrent jurisdiction of district courts, etc., with superior court.

SECTION 2. Executions issued by district, municipal and police courts may be executed, and shall be obeyed in every county to which they are directed.

Executions may run into any county.

SECTION 3. The provisions of chapter thirty-six, and section three of chapter three hundred and thirty-six of the acts of the year eighteen hundred and seventy-four, shall apply to municipal courts.

Provisions of 1874, 36, and 1875, 336, § 3, to apply to municipal courts.

SECTION 4. The following fees may be taxed and allowed in criminal cases in municipal, police and district courts, and by justices of the peace and trial justices:—

Fees and allowances in criminal cases.

Receiving complaint, administering oath and issuing warrant, fifty cents;

Entering a complaint, rendering judgment and recording same, examining, allowing and taxing costs, and filing papers, seventy-five cents;

For a subpoena for one or more witnesses, ten cents;

For a trial, or for a hearing or an examination, on a plea of guilty or *nolo contendere*, one dollar;

For attendance of an officer on the court, one dollar a day, upon one warrant only, if there be two or more against the same defendant at the same time; but if the trial in any case is continued upon the arraignment without any examination, no fee for officer's attendance upon the day of arraignment shall be taxed. Said fee for officer's attendance, if collected, shall be paid to the treasurer of the town, city or county as now provided by law, in all said courts in which an officer is in attendance upon the court under a salary or a per diem allowance.

For taking a recognizance, of principal and sureties, twenty cents; of witnesses, in each case, one fee of twenty cents;

For copies upon appeal, or for the grand jury, two dollars;

For a mittimus, twenty-five cents;

Also, the legal fees of officers and witnesses, the fees now allowed on account of lock-up, and such necessary disbursements as may have been made by order of the court or of the district-attorney. Trial justices and justices of the peace shall be allowed their actual expenses incurred for necessary travel.

Costs in civil
actions.

SECTION 5. Parties recovering costs in civil actions in district, municipal and police courts, and before justices of the peace, shall be allowed as follows:—

To the plaintiff or complainant; for writ and declaration, or petition, or complaint, one dollar;

For entry of an action, or filing a complaint or petition, including filing of papers, examining, allowing and taxing the bill of costs, entering up judgment and recording the same, one dollar;

For an attorney's fee, when there is an appearance for defendant, two dollars and fifty cents; in all other cases, one dollar and twenty-five cents;

For term fee, excepting before justices of the peace, who shall allow one dollar, one fee of three dollars where an appearance is entered for a defendant or a trustee; where there is no appearance, one fee of one dollar;

For travel and attendance, the same fees now allowed by law;

For execution, twenty-five cents;

For trial of an issue, one dollar;

For such disbursements as are not herein specially provided for, the same as are now allowed by law.

To the defendant, costs shall be allowed for travel, attendance, one term fee of three dollars, excepting before justices of the peace, who shall allow one dollar, an attorney's fee of two dollars and a half, twenty-five cents for taxation of costs, and such disbursements as are not herein specially provided for, the same as are now allowed by law.

To trustees recovering costs there shall be allowed:—

For attorney's fee, two dollars and fifty cents;

For answers to interrogatories, such allowance as the court may order;

For travel and attendance, the same fees as now provided by law;

For taxation of costs, twenty-five cents; and such disbursements not herein specially provided for, as are now allowed by law.

To adverse claimants such fees may be allowed as the court may, under the circumstances, deem reasonable.

In proceeding under the bastardy laws, the costs shall be the same as in civil cases, and in addition thereto, a fee of fifty cents for receiving complaint and issuing warrant, to be taxed for complainant, and one dollar for each bond given by respondent, to be taxed for respondent.

SECTION 6. Said courts shall collect of the plaintiff or petitioner the said fees for entry, trial and execution; for each order of notice, and rule of reference, fifty cents; in bastardy cases the fee for entering complaint and issuing the warrant, and such fees for copies as are now allowed by law; and no other costs shall be demanded of the plaintiff.

Fees collectable from plaintiff.

Said courts shall collect of the defendant, trustee and adverse claimant said fee for taxation of costs and execution, when an execution is taken, and such fees for copies as are now allowed by law, and the fee of one dollar for approving each bond in bastardy cases; and no other costs shall be demanded of them.

SECTION 7. All laws inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved April 28, 1876.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-EIGHT OF THE GENERAL STATUTES CONCERNING MEADOWS. *Chap. 228*

Be it enacted, &c., as follows:

SECTION 1. Section second of the one hundred and forty-eighth chapter of the General Statutes is hereby amended by adding the words "either in value or area," after "interest," in the first line of said section.

Amendment to G. S. 148, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT AUTHORIZING CERTAIN RAILROAD CORPORATIONS TO HOLD STOCK IN THE UNION FREIGHT RAILWAY COMPANY. *Chap. 229*

Be it enacted, &c., as follows:

SECTION 1. Any railroad corporation now or hereafter having a terminus in Boston, may purchase and hold stock in the Union Freight Railway Company: *provided*, that

Railroad having terminus in Boston may purchase and hold stock in Union

Freight Railway
Company.

Proviso.

Any railroad
meeting Union
Freight Railway
may enter upon
and use the
same.]

Rights of Com-
mercial Freight
and Marginal
Freight railways
not affected.

Repeal.

John D. Bates, at present a stockholder in the Union Freight Railway Company, or in case of his decease, his personal representatives, may at any time within one year from the passage of this act, tender to any corporation owning shares in said company a valid transfer and conveyance of all his shares of stock, and that such corporation, upon such tender, shall pay to said Bates, or in case of his decease, to his personal representatives, a sum of money equal to the par value of the shares of stock tendered as aforesaid; and *provided, further*, that said Union Freight Railway Company shall charge to and receive of corporations holding shares of its capital stock, no other rates and charges for carriage of freight than are charged to and received of other corporations and individuals.

SECTION 2. Any railroad corporation whose road meets the road of the Union Freight Railway Company, may in the manner prescribed by the board of aldermen of Boston, enter upon, unite its road with and use the road of the Union Freight Railway Company for the transportation of freight; in which case both corporations shall be subject to the provisions of sections one hundred sixty-five, one hundred sixty-six and one hundred sixty-seven of chapter three hundred seventy-two of the acts of the year eighteen hundred and seventy-four, and all the other provisions of said chapter applicable to freight railways and regulating rates of freight and freight accommodations for the public, shall be applicable to the Union Freight Railway Company. The cars on said road may be drawn by steam power, subject to the approval of the board of aldermen.

SECTION 3. Nothing in this act contained shall be construed as affecting the legal rights of the Commercial Freight and Marginal Freight railway companies.

SECTION 4. The second section of chapter three hundred and forty-two of the acts of the year eighteen hundred and seventy-two is hereby repealed; and the third section of said chapter is amended by striking out the word "five" and inserting instead thereof the words "three and a half."

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO INCORPORATE THE SPRINGFIELD SAFE DEPOSIT AND TRUST COMPANY. *Chap. 230*

Be it enacted, &c., as follows :

SECTION 1. James D. Brewer, Homer Foot and Daniel B. Wesson, their associates and successors, are hereby made a corporation by the name of the Springfield Safe Deposit and Trust Company, to be located at Springfield, for the purpose of receiving on deposit, storage or otherwise, government securities, stocks, bonds, coins, jewelry, plate, valuable papers and documents, evidences of debt, and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit, as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, with all the powers, and subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws, which now are or hereafter may be in force, relating to such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation may act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

May act as agent for issuing bonds for any corporation.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency, of this state, may by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own consent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians, trustees, corporations or individuals, upon such terms and conditions as may be obtained or agreed upon; and such deposits or transfers of property in trust, when so made by such courts or persons, shall be taken to be a lawful investment and disposition thereof.

Any court may direct that moneys under its control may be deposited with this corporation.

Proviso.

Investments in authorized loans of the United States, New England states, etc.

SECTION 4. All moneys or properties received under the third section of this act, unless by the terms of the trust some other mode of investment is prescribed, together with the capital of the corporation, shall be loaned on or invested only in the authorized loans of the United States or of any of the New England states, or of cities of such states, or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stock for two years next preceding such loan or investment, or the bonds of any such railroad company which is unincumbered by mortgage, or first mortgages on real estate within this Commonwealth, or upon notes of manufacturing corporations created under the laws of this Commonwealth, with two sureties, or of individuals with a sufficient pledge of any of the aforesaid securities, or in any securities in which savings banks of this state are allowed to invest, or may be loaned to the Commonwealth, or to any county, city or town therein; but all real estate acquired by foreclosure of mortgage, or by levy of execution, shall be sold at public auction within two years thereafter.

Trust property to constitute a special deposit.

SECTION 5. All money or property held in trust under the third section shall constitute a special deposit, and the accounts thereof shall be kept separate, and such funds and the investments or loans of them, shall be specially appropriated to the security and payment of such deposits; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business pertaining to such trust property shall be kept separate and distinct from general business.

To have on hand at all times, as a reserve, fifteen per cent. of amount of deposits subject to withdrawal on demand.

SECTION 6. Said corporation shall at all times have on hand, in lawful money of the United States, as a reserve, an amount equal to fifteen per centum of all deposits payable on demand, or within ten days; and when said reserve shall be below such per centum of such deposits, said company shall not make new loans nor make any dividend of its profits until the required proportion between the aggregate amount of its deposits and its reserve shall be restored: *provided*, that clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association

Proviso.

of which said corporation may be a member, may be reckoned as a part of said reserve; *provided, further*, that one-third of said fifteen per centum may consist of balances due and payable on demand from any national bank in the Commonwealth which has been approved by the commissioner of savings banks, and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of said corporation.

SECTION 7. Said corporation shall make a semi-annual return to the commissioners of savings banks in this Commonwealth on the second Mondays of May and November, and not less than three additional returns during each year, according to a form to be prescribed by said commissioners, verified by the oath or affirmation of the president or treasurer of such corporation and attested by at least three of the trustees; each such report shall exhibit in detail and under appropriate heads, the resources and liabilities of the corporation at the close of business on any past day by him specified, and shall be transmitted to the commissioners within five days after the receipt of a request or requisition therefor from him, and the same form in which it is made to the commissioners shall be published in a newspaper published in the place where such corporation is established, or if there is no newspaper in the place, then in one published nearest thereto in the same county, at the expense of the corporation; and such proof of publication shall be furnished as may be required by the commissioners; said semi-annual return shall also specify the following, namely: capital stock; amount of all moneys and property, in detail, in the possession or charge of said company as deposits, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States, or of any of the New England states, or cities or counties or towns, stating amount in each; invested in bank stock, stating amount in each; invested in railroad stock, stating amount in each; invested in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgage of real estate; cash on hand, all as existing at date of making such return, with the rate, amount and date of dividends since last return; and the commissioners of savings banks shall have access to the vaults, books and papers of the company, and it

To make semi-annual returns and not less than three additional returns to commissioners of savings banks.

Returns to be published in newspapers.

shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if such corporation were a savings bank, subject to all the laws which now are or hereafter may be in force relating to such institutions in this regard.

Subject to provisions of 1865, 283.

SECTION 8. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing or which may hereafter be passed in amendment or lieu thereof.

To make annual return to tax commissioner of personal property held in trust.

SECTION 9. Said corporation shall annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of the president, treasurer or actuary of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city and town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof, for corporations failing to make the returns provided in said act.

To pay tax into state treasury.

Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment of the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section five of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

To make annual return of amount deposited on interest or for investment.

SECTION 10. Said corporation shall also annually, between the first and tenth days of May, return to the commissioners a true statement, verified by the oath of the president and treasurer or actuary of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the ninth and twelfth sections of this act, together with the name of every city and town of this Commonwealth where any beneficiary owner resided on said first day of May, and

the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment of the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under said section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

SECTION 11. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest or for investment as are specified in the two preceding sections; but such proportion of the sums so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums as are to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen, and section seventeen of said chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in lieu or amendment thereof, so far as the same are applicable thereto.

Taxes not to be assessed in any town on property held in trust or deposited on interest or for investment.

SECTION 12. Deposits with said corporation which can be withdrawn on demand or within ten days, shall for purpose of taxation be deemed money in possession of the person to whom the same is payable.

Deposits withdrawable on demand to be deemed in possession of payee.

SECTION 13. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in sections forty to forty-nine inclusive of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall apply to and regulate the enforcement of this liability: *provided, however*, that in

Shareholders to be held individually liable for debts of corporation.

case proceedings shall be taken for winding up the business of said corporation by the appointment of receivers or trustees under the direction of the supreme judicial court, as is provided by law in the case of savings banks, and it shall appear that there is not a sufficiency of assets to discharge the liabilities of the corporation without resort to the liability herein imposed upon the shareholders, a bill in equity, as provided in the forty-second section of said chapter, shall be filed by such receivers or trustees. No creditor shall, after the appointment of such receivers or trustees, be allowed to file any such bill, and such receivers or trustees may be substituted as plaintiffs in any such bill which is pending at the time of their appointment, at any time before final decree.

Real estate.

SECTION 14. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value one hundred thousand dollars.

Capital stock.

SECTION 15. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars; and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in; and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Transfer of stock.

SECTION 16. The shares of the Springfield Safe Deposit and Trust Company shall be assignable and transferable according to such rules and regulations as the stockholders shall for this purpose ordain and establish, and not otherwise.

Approved April 28, 1876.

Chap. 231 AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL COMMISSIONER OF SAVINGS BANKS.

Be it enacted, &c., as follows:

Additional commissioner of savings banks to be appointed.

SECTION 1. An additional commissioner of savings banks shall be appointed by the governor with the advice and consent of the council, and subject to removal in like manner.

Board of commissioners.

SECTION 2. Said commissioner and the commissioner of savings banks already provided for by law, shall constitute a board of commissioners of savings banks.

Powers and duties.

SECTION 3. Said board of commissioners shall perform all the duties and exercise all the powers specified in the act to provide for a commissioner of savings banks, con-

tained in chapter one hundred and ninety-two of the acts of the year eighteen hundred and sixty-six; and shall also perform all other duties and exercise all other powers required by existing laws and by laws that shall be hereafter enacted.

SECTION 4. Said commissioners shall each receive, together with their actual necessary travelling and office expenses not exceeding the amount actually paid by them, the same salary that is now or may hereafter be fixed by law for the commissioner whose appointment is provided for in said chapter one hundred and ninety-two of the acts of the year eighteen hundred and sixty-six. Compensation and expenses.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.
Approved April 28, 1876.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF WORCESTER WITH PURE WATER.

Chap. 232

Be it enacted, &c., as follows:

SECTION 1. The city of Worcester is hereby authorized to hold, by purchase, the waters of Kettle Brook, so called, or any reservoir thereon, in the town of Leicester or Paxton, and to purchase the right to conduct the same into the Lynde Brook Reservoir in said Leicester, and to purchase any land necessary for the construction of dams or reservoirs or for the laying of pipes for this purpose. May purchase waters of Kettle Brook in Leicester.

SECTION 2. The said city is also authorized to purchase any water rights, water privileges, mills or manufacturing establishments, the lands, buildings and machinery used, owned and connected therewith, which would be injured by the diversion of the waters of said brook as aforesaid, and which are situated above the village of Trowbridgeville in said Worcester; also, to purchase any water rights which would be affected by the diversion of the waters of said brook as aforesaid. May purchase water rights, mills, etc.

SECTION 3. The said city of Worcester is also authorized to hold, by purchase, the waters of Mill Brook, North Pond and Weasel Brook, situated in the north part of said city; also, to purchase any land necessary for the building or maintaining of dams, reservoirs or pipes for the purpose of conducting the water of said streams and pond into said city for the use of the inhabitants thereof. May purchase waters of North Pond and Mill and Weasel brooks.

SECTION 4. The said city is also authorized to purchase any water rights, mills or manufacturing establishments with the buildings, lands and machinery used, owned and connected therewith, which may be injured by the conduct- May purchase water rights which may be injured by diverting water.

ing of the waters of said streams and pond into the city as provided in section three of this act: *provided*, the same are situated above the estate of the Washburn and Moen Manufacturing Company; also, to purchase any water rights which may be affected by the diversion of the waters of said streams and pond as aforesaid.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 233 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO LAY OUT A HIGHWAY OVER LAND OF THE COMMONWEALTH IN THE TOWNS OF TRURO AND PROVINCETOWN.

Be it enacted, &c., as follows:

County commissioners may lay out highway over the dike at the mouth of Eastern Harbor.

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and empowered, if in their judgment the public convenience and necessity require it, to lay out and cause to be constructed a highway over or upon the dike or causeway lately constructed by the Commonwealth at the mouth of Eastern Harbor, so called, in said county, for the purpose of connecting the highway at Beach Point, so called, with the highway in the town of Provincetown: *provided*, that the said commissioners shall first obtain the consent of the United States engineer having the said dike or causeway in charge.

Highway to be maintained by Provincetown and Truro and the county.

SECTION 2. In case said commissioners shall judge that the public convenience and necessity require such highway over or upon said dike or causeway, they shall in all respects proceed as is now required by law for laying out and constructing highways, and they shall apportion the cost of constructing and maintaining said highway between the towns of Truro and Provincetown and the county of Barnstable, as shall seem to them equitable and just; and any damage or injury, if any, that may result to said causeway by the location of a highway thereon, shall also be paid by said towns and county as said commissioners may determine.

To be constructed within two years.

SECTION 3. This act shall be void unless said highway shall be constructed and opened for public use within two years from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT IN RELATION TO THE CUSTODY AND PROTECTION OF RECORDS AND PAPERS OF PROBATE COURTS. *Chap. 234*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of the several counties shall provide and maintain ample fire-proof rooms, with suitable alcoves, cases and boxes for the safe-keeping of all records, files, papers and documents belonging to the several registries of probate.

Fire-proof rooms for registries of probate.

SECTION 2. Whenever in the opinion of any judge of the supreme judicial court the accommodations provided for in the foregoing section are insufficient, he shall, on application of the judge or register of probate of any county, certify the need of additional accommodations to the county commissioners of the county from which the application comes, who shall thereupon proceed forthwith to provide such additional fire-proof rooms and other accommodations as shall be necessary.

Additional rooms to be provided upon certificate of a judge of the S. J. C.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE GENERAL STATUTES, AND CHAPTER ONE HUNDRED AND EIGHTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO SALES OF LANDS AND RIGHTS ON EXECUTION. *Chap. 235*

Be it enacted, &c., as follows :

SECTION 1. Section forty-four of chapter one hundred and three of the General Statutes is amended by inserting after the word "sale," in the third line thereof, the words, or within such further time and upon the terms allowed under the provisions of section forty-eight of this chapter; and section forty-eight of said chapter is amended by adding thereto the words, and such lands or rights when sold on execution may be redeemed by the defendant in said suit, or by any person lawfully claiming under him, within three months from the date of the judgment recovered in said suit for possession in the manner and according to the terms and conditions prescribed in section forty-four of this chapter, on paying the costs in the suit for possession of such lands or rights.

Sales of lands and rights on execution.

G. S. 103, § 44.

SECTION 2. Section three of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-four is amended by inserting after the word "year," in the second line thereof, the words, or within such further time and upon the terms allowed under the provisions of section four of this chapter; and section four

Amendment to 1874, 188, § 3.

of said chapter one hundred and eighty-eight is amended by adding thereto the words, and such lands and rights may be redeemed by the defendant in said suit, or by any person lawfully claiming under him, within three months from the date of the judgment recovered in said suit for possession, in the manner and upon the same terms and conditions as are prescribed in the case of a sale on execution, of the rights of redeeming mortgaged lands.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 236 AN ACT FOR THE RELIEF OF THE EASTERN RAILROAD COMPANY, AND THE SECURING OF ITS DEBTS AND LIABILITIES.

Be it enacted, &c., as follows :

Eastern Railroad may mortgage its present and in future to be acquired property.

Three trustees to be appointed.

SECTION 1. The Eastern Railroad Company is hereby authorized, for the purpose of securing its existing debts and liabilities, to execute a mortgage of all its present and in future to be acquired property, including its franchises, railroad, branches, lands, buildings, structures, rolling stock, machinery, leases, rights, privileges, tolls, and all other its property and estate, wheresoever situated, and whether now owned by it or which may be hereafter acquired, to three trustees, to be appointed in the manner hereinafter provided, with the provisions for the succession in said trust hereinafter provided, and to issue certificates of indebtedness as hereinafter set forth, to be secured by said mortgage, and to be distributed and applied to the securing of its debts in the manner hereinafter provided. And said trustees shall be trustees for holding and distributing the certificates of indebtedness to be issued, and for the sinking fund hereinafter created, and for the other purposes set forth, as well as trustees under said mortgage; and said trust and all the provisions hereinafter made for the issuing of certificates of indebtedness, the appointment of trustees and the election of directors by the holders of said certificates of indebtedness shall take effect distinctly from, and irrespective of, the trusts and title created under said mortgage. The said three trustees shall be appointed, and any of said trustees, or of their successors in office, may be at any time removed by a single justice of the supreme judicial court, sitting in equity in any county, at any time after the passage of this act, upon application of any party interested as stockholder, creditor, officer of said Eastern Railroad Company, or otherwise,

and after such notice as the court, or any justice thereof, may order.

SECTION 2. Said mortgage shall be recorded in the several registries of deeds, for the counties of Suffolk, Middlesex and Essex; and when so recorded, notice thereof shall be published at least twice a week for three successive weeks, in two or more daily newspapers published in the city of Boston, and in one or more daily newspapers in the city of New York, and in London, England; and such advertisements shall give notice to all creditors of said corporation to present their claims to said corporation or to the trustees named in said mortgage.

Mortgage to be recorded in Suffolk, Essex and Middlesex counties, and notice thereof to be published in newspapers.

SECTION 3. Said corporation shall make and issue, to such an amount as shall be required for the purposes of this act, its certificates of indebtedness payable in thirty years ending the first day of September, nineteen hundred and six, expressed to be payable in the sterling money of Great Britain or in gold dollars of the United States, with coupons for the payment of semi-annual interest thereon. Such portion of said certificates of indebtedness as shall be payable in the money of Great Britain, shall be of one hundred pounds or two hundred pounds sterling each, and shall be payable as to their principal and interest in said London; and such portion of said certificates of indebtedness as shall be made payable in gold dollars, shall be of five hundred dollars or of one thousand dollars each; the interest on said certificates of indebtedness for the first three years after the first day of September, eighteen hundred and seventy-six, shall be at the rate of three and one-half per centum per annum in gold, and for the next three years, at the rate of four and one-half per centum per annum in gold, and after six years from said first day of September, at the rate of six per centum per annum in gold.

May issue certificates of indebtedness payable in thirty years.

SECTION 4. The certificates of indebtedness so made by said corporation shall be deposited with said trustees, and shall be issued and delivered by them to the creditors of said corporation in exchange for its existing debts and obligations to an equal amount as the same shall be ascertained and liquidated as hereinafter provided, and shall be used for no other purpose except as provided in this act; and creditors now holding obligations of said corporation payable in the money of Great Britain, shall be entitled to receive therefor certificates of indebtedness

Certificates to be exchanged for existing debts and obligations.

payable in the like money ; and all other creditors shall be entitled to receive certificates of indebtedness payable in gold dollars of the United States ; and for any fractional amount of debt of each class less than one hundred pounds sterling or than five hundred dollars, said trustees may issue scrip certificates, negotiable, and to be redeemed in certificates of indebtedness, when presented in sums of one hundred pounds sterling or of five hundred dollars.

Trustees to be furnished with a schedule of all outstanding obligations.

To adjust claims.

SECTION 5. For the purpose of ascertaining and liquidating the debts of said corporation to be secured under said mortgage, said corporation shall, within ten days after the recording of said mortgage, make up and deposit with said trustees, a schedule of all of its outstanding bonds and notes heretofore issued, and of all its ascertained debts due, whether payable at present or at a future time ; and said trustees shall forthwith, from time to time, adjust with the several creditors of said corporation the amount of their several debts and claims ; and the amount due on said bonds, notes and all other debts so adjusted shall be made up as cash, with addition or rebate of interest, as the case may be, to the first day of September, in the year of our Lord one thousand eight hundred and seventy-six,—that is to say, where such debt or obligation is payable in any currency other than gold, the same shall be adjusted without change in amount ; and where such debt or obligation is payable in gold or in the sterling money of Great Britain, the same shall be adjusted by adding to the amount of such debt or obligation the premium on gold on said first day of September upon the amount of interest then accrued ; and the amount so determined shall be the sum for which each creditor holding such adjusted and ascertained claim, shall be entitled to receive an equal amount of certificates of indebtedness issued under this act ; and said trustees shall set apart and hold an amount of such certificates of indebtedness equal to such claims, to be at any time exchanged for the existing debts and obligations of said corporation.

Claimant aggrieved may apply to S. J. C. for Suffolk County, and commissioners may be appointed to determine.

SECTION 6. Any person asserting a claim against said corporation, the validity or amount of which is not admitted by said trustees or said corporation, may apply to the supreme judicial court for the county of Suffolk, sitting in equity, by petition setting forth his claim, and that the same is not admitted ; and upon such application said court shall appoint three commissioners, who shall hear

and determine the same, and all other claims of parties claiming to be creditors of said corporation which shall be presented before them; and said commissioners shall fix such times and places for such hearings, and shall give such notices thereof as said court shall order; and all claims found by said commissioners to be due from said corporation, shall be made up as cash to said first day of September in the manner hereinbefore provided, and a schedule thereof, and a report of their doings in the premises, shall be returned by them to said court, which shall have power to confirm, or recommit, or set aside the same, in whole or in part.

SECTION 7. Any party aggrieved by the finding of said commissioners shall have the same right to appeal, and to have the matter of such appeal determined by a jury in the superior court for the county of Suffolk, or the supreme judicial court for said county, according to the amount of his claim, in the same manner as is by law provided in cases of appeal from commissioners appointed to determine claims against the estates of deceased persons represented as insolvent; and any person having a suit pending against said corporation at the date of the passage of this act, may elect to present his claim before such commissioner or to proceed to final judgment in said suit.

Party aggrieved by finding of commissioners may appeal therefrom.

SECTION 8. Any creditor whose claim shall be allowed by said commissioners, and approved by the court to which their report shall be made, and any party who shall recover final judgment on appeal or in suit as herein provided, shall be entitled at any time thereafter to receive from said trustees an amount of certificates of indebtedness issued under this act equal to the amount of his claim so ascertained, made up as cash to said first day of September, as hereinafter provided; but no claim shall be received for proof before said commissioners, or acted on by them, unless the same be presented for proof within one year from the date of the first meeting of said commissioners for hearing such claims: *provided, however*, that such limitation of time shall not apply to any claim included by said corporation in its schedule, provided in the fifth section of this act, and admitted by said trustees.

When disputed claim has been adjusted, certificate to issue.

SECTION 9. The three preceding sections shall apply to all claims which can be the subject of an action at law, whether in contract or tort, and any person claiming to hold against said corporation any other liability, and to be

Rights of parties claiming other liabilities to be determined by supreme judicial

court in equity
for Suffolk
County.

entitled, under section fifty-one of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four or otherwise, to be secured under the mortgage hereby authorized, may apply by bill or petition to the supreme judicial court sitting in equity for the county of Suffolk, setting forth his claim, and praying that said liability and his rights in the premises may be declared, established and defined; and said court shall have power to determine, and shall, after hearing, by fit order and decree, pass upon, determine, declare and establish whether such liability exists, and the validity, nature and extent of said claim, and the manner and extent to which the same is entitled to be secured under said mortgage, and all the rights of such claimant and the obligations of said corporation in the premises; or the like proceedings may be had in any court of the United States of competent jurisdiction: *provided, however*, that such bill or petition shall be filed, or proceedings commenced, within one year from the recording of said mortgage; and any and all liabilities so established and decreed, shall be secured, under the mortgage hereby authorized, in the manner and to the extent determined by such orders and decrees.

Record to be
kept of all cer-
tificates issued.

SECTION 10. Said corporation, as well as said trustees, shall keep a true record of all certificates of indebtedness issued under said mortgage, and of all certificates of indebtedness redeemed and cancelled; and said corporation shall include in its annual return to the railroad commissioners, a statement of the amount of certificates of indebtedness outstanding at the date of such returns certified by the trustees under said mortgage; and provision shall be made in said mortgage for registration of the ownership of said certificates of indebtedness, for the purpose of determining the right of voting thereon as herein provided.

Separate meet-
ings of stock-
holders and cer-
tificate-holders
to be held for
choice of direct-
ors.

SECTION 11. Within sixty days after the recording of said mortgage, the then president of the Eastern Railroad Company, or, in the event of his refusal or failure so to do, the trustees named in said mortgage, shall call a meeting of the stockholders of said corporation, and a meeting of the holders of certificates of indebtedness under said mortgage, to be held separately, but at the same time and place, in Boston, notice of which meetings shall be published daily for at least three weeks in three or more daily

newspapers published in said Boston ; and at said meetings so held, said stockholders shall choose in the usual manner three directors, and said holders of certificates of indebtedness shall choose by a majority vote of those present, or voting by proxy, six directors ; and the nine persons so chosen shall constitute the new board of directors of said corporation ; and thereafter in each year a board of directors of said corporation shall be chosen in the same manner. The annual meetings of said stockholders and of said holders of certificates of indebtedness shall be held at such time and place in said Boston as may be prescribed by the by-laws of said corporation, or in default of such provision at such time and place as said trustees shall designate ; and the directors so chosen shall hold their office until others shall be chosen in their stead. At such meetings of holders of certificates of indebtedness, one or more of said trustees shall preside, and in their absence one of said holders of certificates of indebtedness ; and each holder of a certificate of indebtedness shall be entitled to vote in person or by proxy, casting one vote for each one hundred pounds or for each five hundred dollars held by him of said certificates of indebtedness, according to the registration list of said certificates of indebtedness, a copy of which shall be furnished to said trustees by said corporation for use at said meetings, and which shall be conclusive as to the right of voting. Whenever it shall appear by the annual return, made and certified as provided in the tenth section of this act, that the whole amount of certificates of indebtedness outstanding has been reduced to ten millions of dollars, or its equivalent in sterling, the power of the holders of certificates of indebtedness to elect and appoint directors, as provided in this section, shall cease and determine ; and thereafter the whole board of directors shall be chosen by the stockholders at their annual meetings, in accordance with the general laws of the Commonwealth applicable to railroad corporations.

Meetings for
choice of direct-
ors.

When indebted-
ness has been
reduced to \$10,-
000,000, election
of directors by
certificate-hold-
ers to cease.

SECTION 12. In case any of the trustees named in this act shall die, resign or be removed, the remaining or surviving trustees or trustee shall call a meeting of the holders of the certificates of indebtedness issued under the authority of this act, by a notice to be published as provided in case of a meeting for election of directors, at which meeting one or more of the remaining or surviving

If any trustee
dies or resigns,
meeting to be
called by sur-
viving trustees.

Voting by
proxy.

Appointment of
new trustees by
S. J. C. in case
of vacancies.

trustees shall preside, or in their or his absence, one of the said holders of certificates of indebtedness, and each of said holders of certificates of indebtedness shall be entitled to vote in person or by proxy, casting one vote for each one hundred pounds or five hundred dollars, according to the registration list herein provided for, and a new trustee or new trustees shall be chosen by a majority of such votes of holders of certificates of indebtedness voting in person or by proxy; and any judge of the supreme judicial court sitting in equity, to whom application shall be made by such trustee or trustees so chosen, shall confirm said choice, if made in conformity with the terms of this act, except for good cause shown to the contrary; and whenever an election by the said holders of certificates of indebtedness shall fail from want of confirmation, or otherwise, another meeting of the said holders of certificates of indebtedness shall be called in the same manner, and the same proceedings had, until a new trustee or new trustees have been appointed and confirmed in the place of the trustee or trustees so dying, resigning or removed; and if a vacancy shall occur, and the surviving or remaining trustees or trustee shall neglect for one month to publish a proper call for such meeting of said holders of certificates of indebtedness, it may be called by three or more holders of certificates of indebtedness in the same manner as if called by the trustees; and if no call is published for such a meeting for two months after a vacancy occurs, the vacancy may be filled by an appointment to be made by any judge of the supreme judicial court sitting in equity, upon application of any party interested and after such notice to the other parties in interest as said judge shall order; and such confirmation or appointment shall vest the mortgaged premises and all the powers and trusts granted or authorized to be granted to the trustees named herein, in the trustee or trustees so chosen and confirmed or appointed, jointly with the surviving or remaining trustees or trustee, as fully as if they were the trustees named in this act, and to whom said mortgage is to be originally made; and subsequent vacancies occurring in the board of trustees shall be filled in the same manner and with the same effect; and any deeds and conveyances shall in each case be made by the surviving or remaining trustees or trustee, as counsel shall deem needful or proper.

A certificate of the confirmation or appointment by the judge of the supreme judicial court shall be filed wherever the mortgage herein provided is directed to be recorded by the terms of this act, and until such confirmation or appointment, the surviving or remaining trustees or trustee shall have all the powers which the three trustees enjoyed before said death, resignation or removal; and in all cases the acts of any two trustees shall have the same force and validity as the acts of all the trustees.

Certificate of appointment to be filed where mortgage is recorded.

SECTION 13. Said corporation, with the written assent of the trustees for the time being, which assent shall be given upon reasonable request, may sell, convey and dispose of any of its property not forming an integral part of its road and not needed for the operation of the same, including any lands not used or required for railroad purposes, and especially the dwelling-house property adjoining the freight house of said corporation in that part of said Boston lately called Charlestown, and the unoccupied land between the track leading to said freight house and Canal Street, and any and all stocks and bonds of other corporations, and any other property not used or required in conducting the current business of the corporation, and may give to the purchaser thereof a good title notwithstanding said mortgage; and may apply the proceeds of such sales, under the direction of said trustees, to the payment of any existing liens, mortgages or other incumbrances upon such property, or upon any bonds or notes of said corporation pledged as collateral security, or upon other property of said corporation, including the existing mortgage upon the Essex Railroad formerly so called, now known as the Lawrence Branch of the Eastern Railroad, or to the purchase of other property which may be needed for the purposes of said corporation and to be included under said mortgage, or to the payment of any debts due from said corporation for labor or services rendered, or supplies furnished in the operation of its railroad since the first day of August, eighteen hundred and seventy-five, and any other claims which are entitled to preference under the bankrupt laws of the United States; and during the term of six years after the first day of September, eighteen hundred and seventy-six, said corporation may in like manner, with the assent of the trustees, apply to the satisfaction and discharge of such liens, mortgages or other incumbrances, any portion of its net

Corporation with assent of trustees may sell any property not needed for railroad purposes.

Proceeds of sales.

earnings over and above its operating expenses, including therein its necessary expenditures for construction, insurance, taxes, renewals and repairs needful to maintain its road and equipment in good condition, and its rentals, interest on certificates of indebtedness, and such payments as shall be required under its liabilities as determined under the ninth section of this act. Nothing in section fifty-three of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall impair, in said company, the right of ownership in and to the shares and bonds of companies now connected with it by lease or contract, to the extent of their present investment, as creditors of and owners in said respective companies, but the provisions of this act shall not be construed to affect the personal liability of directors, or other persons, for their official actions.

Sinking fund for redemption or purchase of certificates of indebtedness.

SECTION 14. After the expiration of six years from said first day of September, or after said liens, mortgages and incumbrances shall at any earlier date have been satisfied and discharged, all proceeds of such sales as are authorized by the thirteenth section of this act, and all the annual net earnings of said road as therein defined, shall be paid into a sinking fund, to be held by said trustees for the redemption or purchase of the certificates of indebtedness issued under said mortgage, whenever the same can be redeemed or purchased at a rate not exceeding par, which certificates of indebtedness shall be cancelled, when so redeemed or purchased, until the whole amount of certificates of indebtedness outstanding shall be reduced to ten million dollars or its equivalent in sterling, or until a sum sufficient so to reduce the same shall have been so paid in, and thereafter said corporation shall pay into said sinking fund in each year, if its net earnings shall suffice therefor, the sum of one hundred thousand dollars, to be held by said trustees, and to be invested, with all interest and income thereon accruing, in said certificates of indebtedness whenever the same can be purchased at a rate not exceeding par, and otherwise in securities of the United States or of this Commonwealth, or of any county, city or town in this Commonwealth, unless and until the sum so paid in, with its accumulations, shall suffice for the purchase or extinguishment of all said outstanding certificates of indebtedness at par, when and in which case such payments shall cease; said fund to be

held as security for the payment of said certificates of indebtedness at their maturity, and any surplus thereof for the use of said corporation. And said trustees shall in each year report the condition of said sinking fund to the railroad commissioners of this Commonwealth.

SECTION 15. The actual possession, use, management and control of the mortgaged premises and property, shall remain in said corporation so long as there shall be no default in payment of the principal or interest of said certificates of indebtedness, or in the performance of any of the other obligations secured by said mortgage as determined under the provisions of the ninth section of this act; but in case of default upon said certificates of indebtedness, or in the performance of such obligations, such default continuing for six months, said trustees may, and, if such default continues for twelve months, at the request of one-tenth part in amount of the holders of the certificates of indebtedness issued, then outstanding, shall enter upon and take possession of all the mortgaged premises, and take, receive and operate said railroad and franchises and property under said mortgage, and collect and receive the rents, income and profits thereof, as fully as said corporation could do if no default had been made; and while so in possession, said trustees shall apply such parts of said rents, income and profits as shall in their judgment be necessary to the payment of the running and operating expenses of the road, including the necessary repairs of road, road-bed, buildings, machinery and equipment, and all expense of agents, clerks, officers, employes and laborers, and all claims for damages allowed, and all payments for insurance and taxes, and all items usually distributed to transportation expenses in railroad accounts and to such increase and improvement of said road, buildings, machinery and equipment as the business shall, in their judgment, require, and to the payment of any and all claims necessary to secure to them the estate and franchises by said mortgage conveyed, and to their own compensation, and to the employment of competent legal advisers in their discretion, and to any and all other charges that are or should be allowed by a court of equity, in the case of a receiver or trustee; and said trustees are further authorized and empowered, after having taken possession as aforesaid, to contract with any railroad corporation to lease or to operate the said railroad for any period not ex-

Possession and control of road to remain in corporation until default in payment of principal or interest of certificates of indebtedness, when trustees may take possession.

Trustees in possession, to keep full and accurate accounts.

Trustees upon taking possession to file notice thereof in Suffolk, Essex and Middlesex registries of deeds.

If default continues for two years, foreclosure shall be complete, property vest absolutely in trustees, and equity of redemption shall be barred.

In case mortgage is foreclosed, certificate-holders may meet and organize themselves into a corporation.

ceeding the term for which said trustees are authorized to retain possession thereof. And said trustees shall, while so in possession, keep full and accurate accounts of all sums received and paid out by them, which shall be at all reasonable times open to the inspection of the officers of said corporation and to the railroad commissioners, and shall, at least once a year, publish abstracts thereof for the use of the holders of certificates of indebtedness.

SECTION 16. On taking possession as above provided, the trustees shall file in each of the registries of deeds for the counties of Suffolk, Middlesex and Essex, a written notice acknowledged before a notary-public, or justice of the peace, certifying that they have so entered and taken possession under said mortgage for breach of condition thereof and default thereon, and for the purpose of foreclosing the same for such default. And if such default shall continue for the space of two years after such notice shall be filed, the foreclosure of said mortgage shall become complete, and the whole mortgaged premises, franchises and property shall vest absolutely in fee in said trustees without further process of law, and all right or equity of redemption of said corporation therein shall be forever barred and foreclosed; but if the whole principal and interest which shall be in arrear, and the lawful claims, disbursements and liabilities of said trustees incurred in the management of the trust, shall be fully paid and satisfied within said period of two years, either by said corporation or out of the net earnings of the mortgaged property in the trustees' possession, then said trustees shall surrender to said corporation the mortgaged property and all additions made by them thereto, and said corporation shall become entitled to the same as of its former estate without reconveyance.

SECTION 17. In case of the absolute foreclosure of said mortgage, as above provided, it shall be the duty of the trustees to call a meeting at said Boston of the holders of the certificates of indebtedness, by an advertisement of the time, place and object thereof, published at least three times a week, for three successive weeks, in newspapers published, one in the city of Boston, one in the city of New York, and one in London, England; and the holders of certificates of indebtedness at such meeting may, at an election to be presided over by such of said trustees or their successors as may be present, and at which each

holder of a certificate of indebtedness may vote in person or by proxy, as provided in the eleventh section of this act, choose from their number a board of nine directors, and may organize themselves into a corporation, with a corporate name to be selected by them, and a capital stock equal to the principal of the then outstanding mortgage debt, divided into shares of one hundred dollars each, which said corporation shall be invested with all the powers, privileges and franchises vested in the Eastern Railroad Company, and shall be subject to all the duties, liabilities and restrictions imposed upon the said Eastern Railroad Company under its charter and the laws of this Commonwealth now or hereafter in force applicable to railroad corporations; and said new corporation shall consist of the holders of the said certificates of indebtedness, at the rate of ten shares for every such certificate of one thousand dollars or of two hundred pounds sterling, who shall surrender said certificates of indebtedness to said new corporation to be exchanged for certificates of stock at the rate aforesaid. And said trustees shall by deed convey to the new corporation all the mortgaged property, premises, estate and franchises, and all additions thereto, and all moneys remaining in their hands when they shall be fully paid and indemnified for their services, expenses and liabilities as hereinbefore provided, which deed shall be recorded in the several registries of deeds wherein said mortgage is recorded; and upon the organization of the holders of certificates of indebtedness into a corporation, they shall file in the office of the secretary of state a copy of their proceedings in such organization under the corporate seal of said new corporation, attested by its president and clerk, which shall be *prima facie* evidence in all suits by or against it that it is a corporation; and thereafter no holder of a certificate of indebtedness shall be entitled to participate in earnings of the mortgaged property until he shall surrender his certificates of indebtedness to the new corporation as herein provided. But said mortgaged property shall be held by said new corporation, subject to the performance of such outstanding obligations and conditions, if any, as shall be ordered and decreed to be performed by the Eastern Railroad Company under the provisions of the ninth section of this act.

Certificates of indebtedness to be exchanged for certificates of stock in new corporation.

SECTION 18. The compensation of the trustees under said mortgage, and of the commissioners to be appointed

Compensation of trustees to be determined by

the supreme judicial court.

Proviso.

under this act, shall be determined by the supreme judicial court, upon application of any party interested, and shall be paid by said corporation: *provided, however*, that the compensation of each of said trustees shall not exceed two thousand dollars for the first year, and one thousand dollars for each subsequent year; and the remedies hereinbefore given to said trustees shall not be construed to deprive them, or parties secured under said mortgage, of their full rights and remedies in the courts of law and equity as the same now exist or may exist; and any court of competent jurisdiction may enforce any of the provisions of said mortgage.

SECTION 19. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 237 AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Beaches in Provincetown and Truro.

In the act, chapter one hundred and forty-five, in relation to the flats, meadows and beaches on East Harbor Creek, in Provincetown and Truro, a sum not exceeding four thousand five hundred eighty-one dollars and fifty-two cents.

Catalogue state library.

In the resolve, chapter one, providing for a new catalogue for the state library, a sum not exceeding six hundred dollars.

Eye and Ear Infirmary.

In the resolve, chapter two, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of seven thousand five hundred dollars.

Town of Bellingham.

In the resolve, chapter four, in favor of the town of Bellingham, the sum of one hundred and ninety-two dollars.

William P. Gilmore.

In the resolve, chapter five, in favor of William P. Gilmore, the sum of one hundred and forty-four dollars.

John McGrath.

In the resolve, chapter six, in favor of John McGrath, the sum of one hundred dollars, in accordance with the provisions of said resolve.

Frederick B. Kellogg.

In the resolve, chapter seven, in favor of Frederick B. Kellogg, the sum of two hundred and fifty two-dollars.

In the resolve, chapter eight, providing for the payment of certain educational expenses, a sum not exceeding ten thousand six hundred and four dollars and seventy-nine cents. Educational expenses.

In the resolve, chapter nine, in favor of Abbie S. Cowles, the sum of one hundred dollars. Abbie S. Cowles.

In the resolve, chapter ten, in favor of William S. Greene, the sum of nine dollars and ninety-two cents. Wm. S. Greene.

In the resolve, chapter eleven, in favor of the city of Lynn, the sum of three thousand seven hundred and twenty-nine dollars. City of Lynn.

In the resolve, chapter twelve, in favor of the town of Scituate, the sum of two hundred sixty-seven dollars and ninety-three cents, in accordance with the provisions of said resolve. Town of Scituate.

In the resolve, chapter thirteen, in favor of the Greenville Manufacturing Company, the sum of two hundred ninety-three dollars and sixty cents. Greenville Manufacturing Co.

In the resolve, chapter fourteen, in favor of Albert F. Howland, the sum of one hundred dollars. Albert F. Howland.

In the resolve, chapter fifteen, in favor of Mary Monahan, the sum of ninety-six dollars. Mary Monahan.

In the resolve, chapter seventeen, in favor of James B. Collingwood, the sum of one hundred fifty-seven dollars and eighty-three cents. James B. Collingwood.

In the resolve, chapter eighteen, in favor of Eliza Brown, the sum of fifty-six dollars. Eliza Brown.

In the resolve, chapter twenty, in favor of certain normal school buildings, a sum not exceeding seven thousand eight hundred eighty-three dollars and ninety-one cents. Normal school buildings.

In the resolve, chapter twenty-two, in favor of Ellen Nolan, the sum of seventy-six dollars. Ellen Nolan.

In the resolve, chapter twenty-six, in favor of discharged female prisoners, a sum not exceeding one thousand five hundred dollars. Discharged female prisoners.

In the resolve, chapter twenty-seven, providing for heating, lighting and furnishing the addition to the state reform school building, a sum not exceeding twenty-five thousand dollars. Reform school building.

In the resolve, chapter thirty, in favor of the town of South Abington, the sum of one hundred ninety-eight dollars and ninety-eight cents. Town of South Abington.

In the resolve, chapter thirty-one, in favor of the Worcester Light Infantry, the sum of two hundred dollars. Worcester Lt. Infantry.

Special laws.

In the resolve, chapter thirty-three, providing for printing an additional volume of the special laws, a sum not exceeding six thousand five hundred dollars.

Fishways at Lawrence and Holyoke.

In the resolve, chapter thirty-four, relating to the improvement of fishways at Lawrence and at Holyoke, a sum not exceeding three thousand dollars.

Disabled soldiers' employment bureau.

In the resolve, chapter thirty-five, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars.

MISCELLANEOUS.**Obsequies of Henry Wilson.**

For expenses attending the obsequies of the late Henry Wilson, a sum not exceeding four hundred thirty-two dollars and eight cents, in addition to the sum heretofore appropriated the present year, which may be allowed and paid.

Celebration at Concord and Lexington.

For expenses attending the centennial celebration at Concord and Lexington, in eighteen hundred and seventy-five, a sum not exceeding one hundred and fifty dollars, which may be allowed and paid.

Roads in town of Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee, during the year eighteen hundred and seventy-five, three hundred dollars.

Repairs at state house.

For repairs, improvements, etc., at the state house during the year eighteen hundred and seventy-five, the sum of four hundred seventy-eight dollars and fifty-five cents, in addition to the appropriation heretofore made the present year.

Board of agriculture.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars; for the salary of the clerk of the secretary of said board, one thousand two hundred dollars; and for compensation of other clerical services in the office of the secretary of said board, and for lectures before the board, a sum not exceeding four hundred dollars.

Support of state paupers by towns, etc., in 1875.

For the support of state paupers, by cities and towns in eighteen hundred and seventy-five and previous years, a sum not exceeding five thousand dollars.

Burial of state paupers.

For the burial of state paupers, a sum not exceeding two thousand dollars, to be in addition to the appropriation heretofore made for the present year.

Support of state paupers by towns, etc., in 1876.

For the reimbursement of cities and towns for the support of state paupers, under the provisions of chapter two hundred and thirty-four of the acts of the year eighteen

hundred and sixty-six, a sum not exceeding ten thousand dollars.

For legal expenses in connection with the back bay lands of the Commonwealth, a sum not exceeding one thousand dollars. Legal expenses.

From the appropriation made the present year for expenses of the agents for the Commonwealth flats at South Boston, there may be paid a sum not exceeding two hundred eighty-nine dollars and sixty-eight cents for expenses of the previous year. Expenses of agents for year 1875.

For books purchased for the state library in eighteen hundred and seventy-four, the sum of eighty-nine dollars and forty cents. State library for 1874.

For the reimbursement of the Massachusetts Infant Asylum, for the support of pauper infants in eighteen hundred and seventy-five, a sum not exceeding four hundred thirty-one dollars and thirty-nine cents. Mass. Infant Asylum.

For military accounts for the year eighteen hundred and seventy-five, a sum not exceeding three hundred and thirty dollars and ninety cents, in addition to the sum heretofore appropriated the present year. Military accounts.

For militia compensation for the year eighteen hundred and seventy-five, a sum not exceeding one hundred and seventy-three dollars, in addition to the sum heretofore appropriated the present year. Militia compensation.

For transportation of troops for the year eighteen hundred and seventy-five, a sum not exceeding one hundred sixty-seven dollars and five cents, in addition to the sum heretofore appropriated the present year. Transportation of troops.

For quartermasters' supplies for the year eighteen hundred and seventy-five, a sum not exceeding forty-seven dollars. Quartermasters' supplies.

For expenses of the bureau of the quartermaster-general, for the year eighteen hundred and seventy-five, a sum not exceeding two hundred and forty-two dollars. Bureau of quartermaster-general.

For the incidental and contingent expenses of the adjutant-general's department, a sum not exceeding fifteen hundred dollars. Adjutant-general's department.

For the compensation and expenses of commissioners appointed to define the boundaries of lands held by individual owners in the town of Gay Head, a sum not exceeding five thousand six hundred twenty-nine dollars and sixty-one cents. Commissioners to define boundaries in Gay Head.

Industrial
school at Lan-
caster.

From the appropriation heretofore made for the current expenses of the industrial school at Lancaster, there may be paid, on account of deficiency for salaries at said institution, an amount not exceeding two thousand three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 238 AN ACT TO PROVIDE FOR THE EXCHANGE OF CERTAIN BONDS AND PROMISSORY NOTES PAYABLE TO BEARER FOR REGISTERED BONDS AND PROMISSORY NOTES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May exchange
bonds, etc., pay-
able to bearer,
to registered
bonds.

SECTION 1. Every county, city and town in this Commonwealth, and every corporation incorporated or organized, or hereafter incorporated or organized, by or under the laws or authority of this Commonwealth, which has issued or shall hereafter issue any bond, promissory note or certificate of indebtedness, payable to bearer and either with or without coupons or interest warrants attached, may, at the request of the owner or holder, at any time while more than one year remains before the principal of such bond, promissory note or certificate of indebtedness shall be due and payable, issue in exchange for the same a registered bond, promissory note or certificate of indebtedness of the same effect, except that it shall be payable to the holder by name, and not to bearer.

Person to whom
a registered
bond has been
assigned, to re-
ceive in ex-
change a new
registered bond
payable to him
by name.

SECTION 2. Any person to whom any registered bond, promissory note or certificate of indebtedness shall be transferred by assignment acknowledged before any officer authorized to take acknowledgments of deeds conveying real estate in this Commonwealth, and any trustee, executor, administrator, assignee in bankruptcy or insolvency, or any other person, not the person named therein, in whom the title to any registered bond, promissory note or certificate of indebtedness shall be vested by operation of law, shall be entitled to a new registered bond, promissory note or certificate of indebtedness of the same effect, except that it shall be payable to him by name, in exchange for the bond, promissory note or certificate of indebtedness so transferred or the title to which is so vested in him.

Register to be
kept showing
number, date,
rate of interest,
etc., of bonds
issued.

SECTION 3. Every county, city and town in this Commonwealth, and every corporation incorporated or organized by or under the laws or authority of this Commonwealth, shall keep a register showing the number,

date, amount and rate of interest of every registered bond, promissory note or certificate of indebtedness issued by it, and when the same is payable and the name of the person to whom the same is payable, and what bonds, promissory notes or certificates of indebtedness, if any, were received in exchange therefor; and shall be entitled to a fee of fifty cents for every registered bond, promissory note or certificate of indebtedness issued in exchange for any other bond, promissory note or certificate of indebtedness.

SECTION 4. Any city or town may, by the exercise of any rights reserved by the terms of any of its securities heretofore created, or hereafter to be created, recall and pay said securities, or any portion thereof, and issue other securities in place of those so recalled and paid; said new securities to be payable at periods within the maturity of those originally issued. But such new securities shall, for debts heretofore created, be made payable at a period not more remote than thirty years from the time of the taking effect of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and shall, for debts hereafter created, be made payable at a period not more remote than thirty years from the time of contracting the same.

New securities may be issued for old securities recalled or paid.

Approved April 28, 1876.

AN ACT IN FURTHER ADDITION TO AN "ACT TO ESTABLISH A HOSPITAL FOR THE INSANE IN THE NORTH-EASTERN PART OF THE COMMONWEALTH."

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. The commissioners appointed under authority of chapter two hundred and thirty-nine of the acts of eighteen hundred and seventy-three, are authorized to expend for the purpose named, and under the conditions prescribed in the first section of said act, the sum of four hundred and fifty thousand dollars, in addition to the amounts heretofore authorized; and the same is hereby appropriated, to be provided for in the manner, and under the conditions prescribed for the expenditure authorized in said act: *provided*, that no expenditure shall be authorized, and no part of said appropriation shall be paid until contracts have been made with sufficient guaranty for their performance, to the satisfaction of the governor and council, for the entire completion and finishing of the hospital

Additional appropriation of \$450,000.

Proviso.

and all its appurtenances, ready for use and occupation, for a sum not exceeding six hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 240 AN ACT RELATING TO THE SEVERAL MUNICIPAL COURTS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Jurisdiction.

Municipal court
of Boston.

SECTION 1. The criminal and civil jurisdiction of the municipal court of the city of Boston, shall embrace the district and territory included in wards six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of said city.

East Boston
District.

SECTION 2. The criminal and civil jurisdiction of the municipal court of the East Boston district, shall embrace the district and territory included in the town of Winthrop and in wards one and two of said city.

Charlestown
District.

SECTION 3. The criminal and civil jurisdiction of the municipal court of the Charlestown district, shall embrace the district and territory included in wards three, four and five of said city.

South Boston
District.

SECTION 4. The criminal and civil jurisdiction of the municipal court of the South Boston district, shall embrace the district and territory included in wards thirteen, fourteen and fifteen of said city.

Roxbury Dis-
trict.

SECTION 5. The municipal court of the Highland district shall be hereafter called and known as the municipal court of the Roxbury district. The criminal and civil jurisdiction of said court shall embrace the district and territory included in wards nineteen, twenty and twenty-one of said city, and so much of ward twenty-two of said city as lies east of the eastern boundary between said ward and the town of Brookline, and of a line drawn through the centre of St. Mary's Street extended.

Brighton Dis-
trict.

SECTION 6. The criminal and civil jurisdiction of the municipal court of the Brighton district, shall embrace the district and territory included in that part of ward twenty-two of said city which lies west of the eastern boundary between said ward and the town of Brookline, and of a line drawn through the centre of St. Mary's Street extended.

West Roxbury
District.

SECTION 7. The criminal and civil jurisdiction of the municipal court of the West Roxbury district, shall embrace the district and territory included in ward twenty-three of said city.

SECTION 8. The criminal and civil jurisdiction of the municipal court of the Dorchester district, shall embrace the district and territory included in ward twenty-four of said city. Dorchester District.

SECTION 9. So much of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four as relates to the jurisdiction of the courts mentioned in this act, is hereby repealed. Repeal.

SECTION 10. The clerks of the courts mentioned in this act shall hold their several offices according to the terms of their respective commissions unless sooner removed according to law. Whenever a vacancy occurs in either of said offices, by death, resignation, expiration of commission, removal as aforesaid, or otherwise, the vacancy shall be filled by appointment by the governor, by and with the advice and consent of the council, for the term of five years, subject to removal as aforesaid. Clerks of the courts.
Vacancies.

Approved April 28, 1876.

AN ACT ESTABLISHING THE SALARY OF THE CLERKS AND MESSENGER IN THE SURGEON-GENERAL'S DEPARTMENT. Chap. 241

Be it enacted, &c., as follows :

SECTION 1. The salary of the first clerk in the surgeon-general's department shall be two thousand dollars per annum. Salaries established.
First clerk.

SECTION 2. The salary of the second clerk in said department shall be thirteen hundred dollars per annum. Second clerk.

SECTION 3. The salary of the messenger in said department shall be one thousand dollars per annum. Messenger.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT RELATING TO THE DIVISION OF WARD TWENTY-TWO OF THE CITY OF BOSTON INTO TWO WARDS. Chap. 242

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Boston shall immediately upon the passage of this act proceed to divide the ward now numbered twenty-two in said city into two wards, to be known as ward twenty-two and ward twenty-five, and to prescribe a place in each ward in which elections shall be held. Ward twenty-two in Boston to be divided into two wards.

SECTION 2. Upon such division the tenure of office of the ward officers in ward twenty-two as at present existing, shall expire, and the mayor and aldermen shall appoint, from the legal voters of each ward, ward officers to hold their several offices until the first Monday of January next Ward officers to be appointed.

succeeding such division; and such offices, for the year thereafter ensuing, and every succeeding year shall be filled in the manner provided by law with respect to ward officers in the city of Boston.

Common councilmen.

SECTION 3. At the municipal election next succeeding such division, the qualified voters of said new ward twenty-two shall carry in their votes for two able and discreet men, qualified voters and inhabitants in said ward, to be members of the common council for the ensuing year, and at said election the qualified voters of said new ward twenty-five shall carry in their votes for one able and discreet man, a qualified voter and inhabitant in said ward, to be a member of the council for the ensuing year. At the municipal election next succeeding, said new ward twenty-two shall be entitled to elect one, and said new ward twenty-five two members in the manner aforesaid and qualified as aforesaid, and said wards shall thereafter alternately elect one and two members of the common council as hereinbefore set forth. Elections shall be conducted and records thereof kept in the manner provided in section two of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-five: *provided*, that nothing contained in this act shall affect the tenure of office of the present members of the common council from ward twenty-two.

Congressional and senatorial district.

SECTION 4. Ward twenty-five shall constitute a part of the eighth congressional and eighth Suffolk senatorial districts.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 243

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Railroad Commissioners, clerical assistance.

In the act, chapter one hundred and eighty-five, "to secure greater publicity and uniformity in the accounts of railroad corporations," a sum not exceeding one thousand

six hundred sixty-six dollars and sixty-seven cents, for clerical assistance as authorized therein.

In the act, chapter one hundred and ninety-five, establishing a police court in the city of Newton, a sum not exceeding six hundred and fifty dollars for the salary of the justice, and five hundred dollars for the salary of the clerk thereof. Police court of Newton.

In the resolve, chapter thirty-six, in favor of Edward Fisher, the sum of one hundred and sixty dollars. Edward Fisher.

In the resolve, chapter thirty-seven, in favor of William Pratt, the sum of one hundred and fifty dollars. William Pratt.

In the resolve, chapter thirty-eight, in favor of Samuel Easter, the sum of one hundred dollars. Samuel Easter.

In the resolve, chapter thirty-nine, in favor of Edward M. Steimle, the sum of five hundred dollars. Edward M. Steimle.

In the resolve, chapter forty, in favor of F. F. Follansbee, the sum of one hundred dollars. F. F. Follansbee.

In the resolve, chapter forty-one, in favor of Joshua H. Eldridge, the sum of one hundred dollars. Joshua H. Eldridge.

In the resolve, chapter forty-two, in favor of Patrick Buckley, a sum not exceeding seventy-six dollars and twenty-eight cents. Patrick Buckley.

In the resolve, chapter forty-three, "authorizing the appointment of a commission to inquire into the expediency of revising the judicial system of the Commonwealth," a sum not exceeding five thousand dollars. Revision of judicial system.

In the resolve, chapter forty-four, in favor of C. J. Hinkson, the sum of one hundred dollars. C. J. Hinkson.

In the resolve, chapter forty-seven, granting aid to pupils in the state normal schools, the sum of four thousand dollars. Pupils in normal schools.

In the resolve, chapter forty-eight, providing for stereotyping, printing, binding and distributing the decennial census and industrial statistics of the Commonwealth, a sum not exceeding twenty-five thousand dollars. Census and industrial statistics.

In the resolve, chapter fifty, in aid of the state almshouse at Tewksbury, a sum not exceeding one thousand dollars. State almshouse.

MILITARY.

For the incidental and contingent expenses of the adjutant-general's department, a sum not exceeding one thousand five hundred dollars in addition to the sum heretofore authorized the present year. Adjutant-general, incidental expenses.

Militia compensation.	For militia compensation, a sum not exceeding sixty-five thousand dollars.
Quartermaster-general.	For expenses of the bureau of the quartermaster-general, a sum not exceeding seven thousand dollars.
Rent of armories, etc.	For the rent of armories and headquarters, a sum not exceeding twenty-eight thousand three hundred dollars.
Transportation of troops.	For the transportation of troops, a sum not exceeding fourteen thousand dollars.
Quartermasters' supplies.	For quartermasters' supplies, a sum not exceeding nine thousand dollars.
Military accounts.	For military accounts, a sum not exceeding seven thousand dollars.
Inspection.	For expenses attending the inspection of the militia as required by the act of the present year, a sum not exceeding twenty-two thousand dollars.
Collection of military property.	For expenses attending the collection and return of military property, a sum not exceeding one thousand five hundred dollars.
Military elections.	For expenses attending military elections, a sum not exceeding two thousand dollars.
Books of instruction.	For instruction, orderly and roll-books for the use of the militia, a sum not exceeding five hundred dollars.
Militia law.	For printing and binding the "militia law," a sum not exceeding five hundred dollars.
Militia compensation for 1875.	For militia compensation for the year eighteen hundred and seventy-five, the sum of sixty-one dollars, in addition to the appropriations heretofore made for the present year.

MISCELLANEOUS.

State detective force, travelling and incidental expenses.	For travelling expenses actually paid by the state detective force, a sum not exceeding two thousand five hundred dollars, and for incidental and contingent expenses of said force, a sum not exceeding two thousand dollars; said sums to be in additions to the appropriations heretofore made for the present year.
Industrial statistics and decennial census.	For expenses incurred under authority of chapter three hundred and eighty-six of the acts of the year eighteen hundred and seventy-four, entitled "An Act to provide for taking the industrial statistics and decennial census of the Commonwealth," a sum not exceeding one thousand five hundred dollars, in addition to the appropriations heretofore made for the present year.
"Blue book" edition of the laws.	For printing and binding the "blue book" edition of the acts and resolves of the present year, a sum not exceeding

two thousand dollars in addition to the appropriation heretofore made.

For indexing senate journals in accordance with an order of the senate, a sum not exceeding three hundred dollars. Senate journals.

For expenses incurred by the commissioners on contagious diseases among cattle, a sum not exceeding five hundred dollars. Contagious diseases of cattle.

For any small items of expenditure incurred in previous years, appropriations for which have been exhausted, or have reverted to the treasury, a sum not exceeding three hundred dollars. Small items of expenditure.

For a time lock for the safe in the treasurer's department, the sum of four hundred dollars, which may be allowed and paid. Treasurer's department.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

AN ACT RELATING TO CERTAIN EMPLOYÉS OF THE BOARD OF STATE CHARITIES.

Chap. 244

Be it enacted, &c., as follows :

SECTION 1. The salary of the general agent of the board of state charities shall be at the rate of three thousand dollars per annum. Salaries established. General agent of board.

SECTION 2. The salary of the secretary of the board of state charities shall be at the rate of twenty-five hundred dollars per annum. Secretary.

SECTION 3. The salary of the visiting agent of the board of state charities shall be at the rate of twenty-five hundred dollars per annum. Visiting agent.

SECTION 4. The agent of the sick state poor shall receive a compensation not exceeding seven and one-half dollars per day for each day of actual service. Agent of sick poor.

SECTION 5. The clerks in the several departments of the board of state charities shall be arranged in three classes by the board, who shall fix their annual salaries within the following limits:—

Clerks of the first class not to exceed fifteen hundred dollars each per annum:— First class.

Clerks of the second class not to exceed one thousand dollars each per annum:— Second class.

Clerks of the third class not to exceed eight hundred dollars each per annum. Third class.

Officers for examination of settlements of paupers.

SECTION 6. Officers for the examination of settlements of paupers shall receive a compensation not exceeding fifteen hundred dollars per annum.

SECTION 7. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 245 AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS.

Be it enacted, &c., as follows :

State tax of \$1,800,000.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :—

Barnstable County.

BARNSTABLE COUNTY.

Barnstable, . . .	Two thousand eight hundred and eight dollars, . . .	\$2,808 00
Brewster, . . .	Seven hundred and thirty-eight dollars, . . .	738 00
Chatham, . . .	Nine hundred dollars, . . .	900 00
Dennis, . . .	One thousand six hundred and fifty-six dollars, . . .	1,656 00
Eastham, . . .	Two hundred and thirty-four dollars, . . .	234 00
Falmouth, . . .	Two thousand four hundred and sixty-six dollars, . . .	2,466 00
Harwich, . . .	One thousand one hundred and seventy dollars, . . .	1,170 00
Mashpee, . . .	One hundred and eight dollars, . . .	108 00
Orleans, . . .	Five hundred and forty dollars, . . .	540 00
Provincetown, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
Sandwich, . . .	One thousand four hundred and fifty-eight dollars, . . .	1,458 00
Truro, . . .	Three hundred and twenty-four dollars, . . .	324 00
Wellfleet, . . .	Nine hundred and seventy-two dollars, . . .	972 00
Yarmouth, . . .	One thousand five hundred and twelve dollars, . . .	1,512 00
		<hr/> \$16,866 00

BERKSHIRE COUNTY.

Berkshire
County.

Adams, . . .	Six thousand six hundred and forty-two dollars, . . .	\$6,642 00
Alford, . . .	Two hundred and eighty-eight dollars, . . .	288 00
Becket, . . .	Five hundred and four dollars, . . .	504 00
Cheshire, . . .	One thousand and ninety-eight dollars, . . .	1,098 00
Clarksburg, . . .	Two hundred and seventy dollars, . . .	270 00
Dalton, . . .	One thousand three hundred and fourteen dollars, . . .	1,314 00
Egremont, . . .	Six hundred and twelve dollars, . . .	612 00
Florida, . . .	Two hundred and sixteen dollars, . . .	216 00
Gt. Barrington, . . .	Three thousand four hundred and thirty-eight dollars, . . .	3,438 00
Hancock, . . .	Four hundred and fifty dollars, . . .	450 00
Hinsdale, . . .	Eight hundred and sixty-four dollars, . . .	864 00
Lanesborough, . . .	Seven hundred and ninety-two dollars, . . .	792 00
Lee, . . .	Two thousand and sixteen dollars, . . .	2,016 00
Lenox, . . .	One thousand four hundred and forty dollars, . . .	1,440 00
Monterey, . . .	Two hundred and eighty-eight dollars, . . .	288 00
Mt. Washington, . . .	Ninety dollars, . . .	90 00
New Ashford, . . .	Ninety dollars, . . .	90 00
New Marlboro', . . .	Eight hundred and sixty-four dollars, . . .	864 00
Otis, . . .	Two hundred and eighty-eight dollars, . . .	288 00
Peru, . . .	One hundred and sixty-two dollars, . . .	162 00
Pittsfield, . . .	Nine thousand one hundred and eight dollars, . . .	9,108 00
Richmond, . . .	Five hundred and ninety-four dollars, . . .	594 00
Sandisfield, . . .	Four hundred and fifty dollars, . . .	450 00
Savoy, . . .	Two hundred and thirty-four dollars, . . .	234 00
Sheffield, . . .	One thousand two hundred and six dollars, . . .	1,206 00
Stockbridge, . . .	Two thousand eight hundred and twenty-six dollars, . . .	2,826 00
Tyringham, . . .	Two hundred and seventy dollars, . . .	270 00

BERKSHIRE COUNTY—CONTINUED.

Washington, .	Two hundred and fifty-two dollars,	\$252 00
W. Stockbridge,	Nine hundred dollars, . . .	900 00
Williamstown, .	One thousand eight hundred and seventy-two dollars, . . .	1,872 00
Windsor, . . .	Two hundred and thirty-four dollars,	234 00
		<hr/> \$39,672 00

Bristol County.

BRISTOL COUNTY.

Acushnet, . .	Six hundred and twelve dollars, .	\$612 00
Attleborough, .	Four thousand six hundred and sixty-two dollars, . . .	4,662 00
Berkley, . . .	Three hundred and twenty-four dol- lars, . . .	324 00
Dartmouth, . .	One thousand eight hundred and ninety dollars, . . .	1,890 00
Dighton, . . .	Eight hundred and forty-six dollars,	846 00
Easton, . . .	Two thousand nine hundred and eighty-eight dollars, . . .	2,988 00
Fairhaven, . .	One thousand six hundred and two dollars, . . .	1,602 00
Fall River, . .	Forty-eight thousand and seventy- eight dollars, . . .	48,078 00
Freetown, . . .	Seven hundred and fifty-six dollars,	756 00
Mansfield, . .	One thousand two hundred and six dollars, . . .	1,206 00
New Bedford, .	Twenty-six thousand two hundred and forty-four dollars, . . .	26,244 00
Norton, . . .	Eight hundred and eighty-two dol- lars, . . .	882 00
Raynham, . . .	One thousand two hundred and sixty dollars, . . .	1,266 00
Rehoboth, . . .	Eight hundred and twenty-eight dollars, . . .	828 00
Seekonk, . . .	Six hundred and thirty dollars, .	630 00
Somerset, . . .	One thousand and eighty dollars, .	1,080 00
Swanzy, . . .	Seven hundred and two dollars, .	702 00
Taunton, . . .	Seventeen thousand two hundred and twenty-six dollars, . . .	17,226 00
Westport, . . .	One thousand four hundred and seventy-six dollars, . . .	1,476 00
		<hr/> \$113,292 00

DUKES COUNTY.

Dukes County.

Chilmark, . .	Three hundred and six dollars, .	\$306 00
Edgartown, .	One thousand seven hundred and forty-six dollars,	1,746 00
Gay Head, . .	Eighteen dollars,	18 00
Gosnold, . .	One hundred and eighty dollars, .	180 00
Tisbury, . .	Seven hundred and twenty dollars,	720 00
		<hr/> \$2,970 00

ESSEX COUNTY.

Essex County.

Amesbury, . .	One thousand eight hundred and thirty-six dollars,	\$1,836 00
Andover, . .	Three thousand eight hundred and seventy dollars,	3,870 00
Beverly, . .	Eight thousand five hundred and sixty-eight dollars,	8,568 00
Boxford, . .	Six hundred and twelve dollars, .	612 00
Bradford, . .	One thousand four hundred and four dollars,	1,404 00
Danvers, . .	Three thousand eight hundred and fifty-two dollars,	3,852 00
Essex, . .	Nine hundred and ninety dollars, .	990 00
Georgetown, .	One thousand and eighty dollars, .	1,080 00
Gloucester, .	Nine thousand dollars,	9,000 00
Groveland, . .	Nine hundred dollars,	900 00
Hamilton, . .	Five hundred and forty dollars, .	540 00
Haverhill, . .	Ten thousand eight hundred dol- lars,	10,800 00
Ipswich, . .	Two thousand one hundred and seventy-eight dollars,	2,178 00
Lawrence, . .	Twenty-two thousand seven hun- dred and thirty-four dollars, .	22,734 00
Lynn, . .	Twenty-six thousand eight hun- dred and fifty-six dollars, . . .	26,856 00
Lynnfield, . .	Eight hundred and ten dollars, .	810 00
Manchester, .	One thousand seven hundred and sixty-four dollars,	1,764 00
Marblehead, .	Four thousand two hundred and sixty-six dollars,	4,266 00

ESSEX COUNTY—CONTINUED.

Merrimac, . .	One thousand and eight dollars, .	\$1,008 00
Methuen, . .	Two thousand four hundred and twelve dollars,	2,412 00
Middleton, . .	Four hundred and eighty-six dollars,	486 00
Nahant, . . .	Seven thousand four hundred and fifty-two dollars,	7,452 00
Newbury, . . .	One thousand and twenty-six dollars,	1,026 00
Newburyport, .	Seven thousand eight hundred and sixty-six dollars,	7,866 00
North Andover, .	Two thousand two hundred and thirty-two dollars,	2,232 00
Peabody, . . .	Six thousand five hundred and seventy dollars,	6,570 00
Rockport, . . .	Two thousand one hundred and ninety-six dollars,	2,196 00
Rowley,	Five hundred and seventy-six dollars,	576 00
Salem,	Twenty-six thousand four hundred and forty-two dollars,	26,442 00
Salisbury, . . .	Two thousand two hundred and fourteen dollars,	2,214 00
Saugus,	One thousand eight hundred and thirty-six dollars,	1,836 00
Swampscott, . .	Two thousand five hundred and seventy-four dollars,	2,574 00
Topsfield, . . .	Seven hundred and seventy-four dollars,	774 00
Wenham,	Five hundred and ninety-four dollars,	594 00
West Newbury, .	One thousand one hundred and sixteen dollars,	1,116 00
		<hr/> \$169,434 00

Franklin
County.

FRANKLIN COUNTY.

Ashfield, . . .	Five hundred and fifty-eight dollars, .	\$558 00
Bernardston, . .	Four hundred and thirty-two dollars,	432 00
Buckland, . . .	Six hundred and thirty dollars,	630 00
Charlemont, . .	Three hundred and seventy-eight dollars,	378 00
Colrain,	Seven hundred and two dollars,	702 00
Conway,	Eight hundred and twenty-eight dollars,	828 00

FRANKLIN COUNTY—CONTINUED.

Deerfield, . . .	One thousand seven hundred and ten dollars,	\$1,710 00
Erving, . . .	Three hundred and sixty dollars,	360 00
Gill,	Four hundred and eighty-six dollars,	486 00
Greenfield, . . .	Three thousand one hundred and eighty-six dollars,	3,186 00
Hawley,	One hundred and eighty dollars,	180 00
Heath,	One hundred and ninety-eight dollars,	198 00
Leverett,	Three hundred and forty-two dollars,	342 00
Leyden,	Two hundred and thirty-four dollars,	234 00
Monroe,	Fifty-four dollars,	54 00
Montague,	Two thousand and seventy dollars,	2,070 00
New Salem, . . .	Three hundred and forty-two dollars,	342 00
Northfield,	Seven hundred and seventy-four dollars,	774 00
Orange,	One thousand six hundred and two dollars,	1,602 00
Rowe,	One hundred and eighty dollars,	180 00
Shelburne,	Nine hundred and fifty-four dollars,	954 00
Shutesbury,	One hundred and eighty dollars,	180 00
Sunderland,	Four hundred and eighty-six dollars,	486 00
Warwick,	Three hundred and six dollars,	306 00
Wendell,	One hundred and eighty dollars,	180 00
Whately,	Seven hundred and ninety-two dollars,	792 00
		<hr/> \$18,144 00

HAMPDEN COUNTY.

Hampden
County.

Agawam,	One thousand two hundred and seventy-eight dollars,	\$1,278 00
Blandford,	Four hundred and fourteen dollars,	414 00
Brimfield,	Five hundred and ninety-four dollars,	594 00
Chester,	Five hundred and fifty-eight dollars,	558 00

HAMPDEN COUNTY—CONTINUED.

Chicopee, . .	Five thousand eight hundred and fourteen dollars,	\$5,814 00
Granville, . .	Four hundred and thirty-two dollars,	432 00
Holland, . .	One hundred and twenty-six dollars,	126 00
Holyoke, . .	Ten thousand three hundred and sixty-eight dollars,	10,368 00
Longmeadow, .	One thousand three hundred and sixty-eight dollars,	1,368 00
Ludlow, . .	Five hundred and fifty-eight dollars,	558 00
Monson, . .	One thousand four hundred and fifty-eight dollars,	1,458 00
Montgomery, .	One hundred and forty-four dollars,	144 00
Palmer, . .	One thousand eight hundred and seventy-two dollars,	1,872 00
Russell, . .	Four hundred and fourteen dollars,	414 00
Southwick, . .	Six hundred and thirty dollars,	630 00
Springfield, .	Thirty-nine thousand six hundred and fifty-four dollars,	39,654 00
Tolland, . .	Two hundred and thirty-four dollars,	234 00
Wales, . .	Four hundred and fifty dollars,	450 00
Westfield, . .	Seven thousand one hundred and forty-six dollars,	7,146 00
W. Springfield, .	Two thousand nine hundred and eighty-eight dollars,	2,988 00
Wilbraham, . .	Nine hundred and ninety dollars,	990 00
		<hr/> \$77,490 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, . .	Two thousand five hundred and thirty-eight dollars,	\$2,538 00
Belchertown, .	One thousand and eighty dollars,	1,080 00
Chesterfield, .	Three hundred and twenty-four dollars,	324 00
Cummington, .	Four hundred and thirty-two dollars,	432 00
Easthampton, .	Two thousand five hundred and thirty-eight dollars,	2,538 00
Enfield, . .	Seven hundred and fifty-six dollars,	756 00
Goshen, . .	One hundred and twenty-six dollars,	126 00

HAMPSHIRE COUNTY—CONTINUED.

Granby, . . .	Five hundred and twenty-two dollars, . . .	\$522 00
Greenwich, . .	Three hundred and six dollars, . .	306 00
Hadley, . . .	One thousand four hundred and fifty-eight dollars, . . .	1,458 00
Hatfield, . . .	One thousand two hundred and seventy-eight dollars, . . .	1,278 00
Huntington, . .	Five hundred and twenty-two dollars, . . .	522 00
Middlefield, . .	Three hundred and seventy-eight dollars, . . .	378 00
Northampton, .	Seven thousand six hundred and fourteen dollars, . . .	7,614 00
Pelham, . . .	One hundred and eighty dollars, . .	180 00
Plainfield, . .	Two hundred and thirty-four dollars, . . .	234 00
Prescott, . . .	One hundred and ninety-eight dollars, . . .	198 00
South Hadley, . .	One thousand eight hundred and ninety dollars, . . .	1,890 00
Southampton, .	Five hundred and four dollars, . .	504 00
Ware, . . .	One thousand nine hundred and twenty-six dollars, . . .	1,926 00
Westhampton, . .	Two hundred and eighty-eight dollars, . . .	288 00
Williamsburg, . .	One thousand three hundred and sixty-eight dollars, . . .	1,368 00
Worthington, . .	Three hundred and sixty dollars, . .	360 00
		<hr/> \$26,820 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton, . . .	One thousand two hundred and ninety-six dollars, . . .	\$1,296 00
Arlington, . . .	Six thousand and twelve dollars, . .	6,012 00
Ashby, . . .	Five hundred and forty dollars, . .	540 00
Ashland, . . .	One thousand four hundred and fifty-eight dollars, . . .	1,458 00
Ayer, . . .	One thousand and ninety-eight dollars, . . .	1,098 00
Bedford, . . .	Seven hundred and thirty-eight dollars, . . .	738 00
Belmont, . . .	Four thousand and thirty-two dollars, . . .	4,032 00
Billerica, . . .	One thousand seven hundred and ten dollars, . . .	1,710 00

MIDDLESEX COUNTY—CONTINUED.

Boxborough, .	Two hundred and seventy dollars, .	\$270 00
Burlington, .	Five hundred and twenty-two dollars,	522 00
Cambridge, .	Sixty-two thousand five hundred and eighty-six dollars,	62,586 00
Carlisle, . .	Three hundred and seventy-eight dollars,	378 00
Chelmsford, .	One thousand four hundred and ninety-four dollars,	1,494 00
Concord, . .	Three thousand and twenty-four dollars,	3,024 00
Dracut, . . .	One thousand and eight dollars, . .	1,008 00
Dunstable, .	Three hundred and forty-two dollars,	342 00
Everett, . . .	Four thousand one hundred and seventy-six dollars,	4,176 00
Framingham, .	Four thousand six hundred and ninety-eight dollars,	4,698 00
Groton, . . .	Two thousand one hundred and ninety-six dollars,	2,196 00
Holliston, . .	One thousand eight hundred and seventy-two dollars,	1,872 00
Hopkinton, .	Two thousand three hundred and four dollars,	2,304 00
Hudson, . . .	One thousand seven hundred and ten dollars,	1,710 00
Lexington, . .	Two thousand nine hundred and thirty-four dollars,	2,934 00
Lincoln, . . .	Eight hundred and forty-six dollars,	846 00
Littleton, . .	Seven hundred and fifty-six dollars,	756 00
Lowell, . . .	Thirty-seven thousand nine hundred and eighty dollars,	37,980 00
Malden, . . .	Nine thousand three hundred and sixty dollars,	9,360 00
Marlborough, .	Three thousand three hundred and eighty-four dollars,	3,384 00
Maynard, . . .	One thousand three hundred and fourteen dollars,	1,314 00
Medford, . . .	Nine thousand two hundred and thirty-four dollars,	9,234 00
Melrose, . . .	Four thousand two hundred and eighty-four dollars,	4,284 00
Natick, . . .	Three thousand seven hundred and twenty-six dollars,	3,726 00
Newton, . . .	Twenty-eight thousand nine hundred and forty-four dollars,	28,944 00
North Reading, .	Four hundred and fifty dollars, . .	450 00
Pepperell, . .	One thousand four hundred and forty dollars,	1,440 00

MIDDLESEX COUNTY—CONCLUDED.

Reading, . . .	Two thousand three hundred and forty dollars,	\$2,340 00
Sherborn, . . .	Nine hundred dollars,	900 00
Shirley, . . .	Nine hundred and fifty-four dollars,	954 00
Somerville, . . .	Twenty-seven thousand seven hundred and ninety-two dollars,	27,792 00
Stoneham, . . .	Three thousand and ninety-six dollars,	3,096 00
Stow,	Seven hundred and two dollars,	702 00
Sudbury, . . .	One thousand and eight dollars,	1,008 00
Tewksbury, . . .	Nine hundred dollars,	900 00
Townsend, . . .	Eight hundred and twenty-eight dollars,	828 00
Tyngsborough, . . .	Three hundred and six dollars,	306 00
Wakefield, . . .	Four thousand five hundred and seventy-two dollars,	4,572 00
Waltham, . . .	Nine thousand eight hundred and forty-six dollars,	9,846 00
Watertown, . . .	Seven thousand seven hundred and four dollars,	7,704 00
Wayland, . . .	One thousand one hundred and sixteen dollars,	1,116 00
Westford, . . .	One thousand one hundred and sixteen dollars,	1,116 00
Weston,	One thousand six hundred and fifty-six dollars,	1,656 00
Wilmington, . . .	Five hundred and forty dollars,	540 00
Winchester, . . .	Four thousand five hundred and eighteen dollars,	4,518 00
Woburn,	Eight thousand five hundred and fifty dollars,	8,550 00
		<hr/> \$286,560 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket, . . .	Two thousand three hundred and ninety-four dollars,	\$2,394 00
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Norfolk
County.

NORFOLK COUNTY.

Bellingham, . .	Five hundred and forty dollars, . .	\$540 00
Braintree, . .	Two thousand seven hundred dol- lars,	2,700 00
Brookline, . .	Twenty-eight thousand four hun- dred and fifty-eight dollars, . .	28,458 00
Canton, . .	Three thousand one hundred and thirty-two dollars,	3,132 00
Cohasset, . .	Two thousand three hundred and four dollars,	2,304 00
Dedham, . .	Five thousand nine hundred and ninety-four dollars,	5,994 00
Dover, . .	Four hundred and thirty-two dol- lars,	432 00
Foxborough, . .	One thousand seven hundred and forty-six dollars,	1,746 00
Franklin, . .	One thousand four hundred and ninety-four dollars,	1,494 00
Holbrook, . .	One thousand five hundred and forty-eight dollars,	1,548 00
Hyde Park, . .	Six thousand two hundred and eighty-two dollars,	6,282 00
Medfield, . .	One thousand and eight dollars, . .	1,008 00
Medway, . .	One thousand eight hundred and thirty-six dollars,	1,836 00
Milton, . .	Seven thousand seven hundred and four dollars,	7,704 00
Needham, . .	Four thousand three hundred and ninety-two dollars,	4,392 00
Norfolk, . .	Five hundred and fifty-eight dol- lars,	558 00
Norwood, . .	One thousand six hundred and ninety-two dollars,	1,692 00
Quincy, . .	Seven thousand and twenty dol- lars,	7,020 00
Randolph, . .	Two thousand four hundred and sixty-six dollars,	2,466 00
Sharon, . .	Nine hundred and fifty-four dollars, .	954 00
Stoughton, . .	Two thousand five hundred and two dollars,	2,502 00
Walpole, . .	One thousand four hundred and ninety-four dollars,	1,494 00
Weymouth, . .	Six thousand and eighty-four dol- lars,	6,084 00
Wrentham, . .	One thousand one hundred and seventy dollars,	1,170 00
		<hr/> \$93,510 00

PLYMOUTH COUNTY.

Plymouth
County.

Abington, . . .	One thousand six hundred and ninety-two dollars,	\$1,692 00
Bridgewater, . . .	Two thousand five hundred and seventy-four dollars,	2,574 00
Brockton, . . .	Five thousand six hundred and thirty-four dollars,	5,634 00
Carver, . . .	Five hundred and ninety-four dollars,	594 00
Duxbury, . . .	One thousand three hundred and fifty dollars,	1,350 00
E. Bridgewater, . . .	One thousand three hundred and eighty-six dollars,	1,386 00
Halifax, . . .	Three hundred and six dollars,	306 00
Hanover, . . .	Nine hundred and ninety dollars,	990 00
Hanson, . . .	Five hundred and ninety-four dollars,	594 00
Hingham, . . .	Three thousand five hundred and ten dollars,	3,510 00
Hull, . . .	Five hundred and seventy-six dollars,	576 00
Kingston, . . .	One thousand six hundred and seventy-four dollars,	1,674 00
Lakeville, . . .	Five hundred and seventy-six dollars,	576 00
Marion, . . .	Four hundred and eighty-six dollars,	486 00
Marshfield, . . .	Nine hundred and ninety dollars,	990 00
Mattapoisett, . . .	One thousand two hundred and twenty-four dollars,	1,224 00
Middleborough, . . .	Two thousand five hundred and ninety-two dollars,	2,592 00
Pembroke, . . .	Seven hundred and twenty dollars,	720 00
Plymouth, . . .	Four thousand four hundred and sixty-four dollars,	4,464 00
Plympton, . . .	Three hundred and twenty-four dollars,	324 00
Rochester, . . .	Five hundred and four dollars,	504 00
Rockland, . . .	Two thousand and seventy dollars,	2,070 00
Scituate, . . .	One thousand four hundred and fifty-eight dollars,	1,458 00
South Abington, . . .	One thousand four hundred and four dollars,	1,404 00
South Scituate, . . .	One thousand one hundred and sixteen dollars,	1,116 00

PLYMOUTH COUNTY—CONTINUED.

Wareham, . .	One thousand one hundred and seventy dollars, .	\$1,170 00
W. Bridgewater,	Nine hundred and thirty-six dollars, .	936 00
		<hr/> \$40,914 00

Suffolk County.

SUFFOLK COUNTY.

Boston, . .	Seven hundred forty-two thousand nine hundred and thirty-two dollars, .	\$742,932 00
Chelsea, . .	Seventeen thousand six hundred and seventy-six dollars, .	17,676 00
Revere, . .	One thousand eight hundred and seventy-two dollars, .	1,872 00
Winthrop, . .	One thousand and eight dollars, .	1,008 00
		<hr/> \$763,488 00

Worcester County.

WORCESTER COUNTY.

Ashburnham, .	One thousand one hundred and thirty-four dollars, .	\$1,134 00
Athol, . .	Two thousand eight hundred and twenty-six dollars, .	2,826 00
Auburn, . .	Five hundred and ninety-four dollars, .	594 00
Barre, . .	One thousand nine hundred and eight dollars, .	1,908 00
Berlin, . .	Five hundred and four dollars, .	504 00
Blackstone, .	Two thousand one hundred and forty-two dollars, .	2,142 00
Bolton, . .	Five hundred and fifty-eight dollars, .	558 00
Boylston, . .	Five hundred and seventy-six dollars, .	576 00
Brookfield, .	One thousand four hundred and twenty-two dollars, .	1,422 00
Charlton, . .	One thousand and eight dollars, .	1,008 00
Clinton, . .	Four thousand four hundred and forty-six dollars, .	4,446 00
Dana, . .	Three hundred and six dollars, .	306 00
Douglas, . .	Nine hundred and fifty-four dollars, .	954 00
Dudley, . .	One thousand and sixty-two dollars, .	1,062 00

WORCESTER COUNTY—CONTINUED.

Fitchburg, . . .	Twelve thousand seven hundred and sixty-two dollars, . . .	\$12,762 00
Gardner, . . .	Two thousand one hundred and twenty-four dollars, . . .	2,124 00
Grafton, . . .	One thousand nine hundred and sixty-two dollars, . . .	1,962 00
Hardwick, . . .	One thousand and ninety-eight dollars, . . .	1,098 00
Harvard, . . .	One thousand and ninety-eight dollars, . . .	1,098 00
Holden, . . .	Nine hundred and ninety dollars, . . .	990 00
Hubbardston, . . .	Eight hundred and eighty-two dollars, . . .	882 00
Lancaster, . . .	Two thousand two hundred and eighty-six dollars, . . .	2,286 00
Leicester, . . .	Two thousand one hundred and forty-two dollars, . . .	2,142 00
Leominster, . . .	Three thousand eight hundred and seventy dollars, . . .	3,870 00
Lunenburg, . . .	Seven hundred and seventy-four dollars, . . .	774 00
Mendon, . . .	Six hundred and sixty-six dollars, . . .	666 00
Milford, . . .	Five thousand one hundred and forty-eight dollars, . . .	5,148 00
Millbury, . . .	Two thousand six hundred and forty-six dollars, . . .	2,646 00
New Braintree, . . .	Four hundred and eighty-six dollars, . . .	486 00
Northborough, . . .	One thousand two hundred and seventy-eight dollars, . . .	1,278 00
Northbridge, . . .	Two thousand two hundred and fifty dollars, . . .	2,250 00
N. Brookfield, . . .	One thousand eight hundred and seventy-two dollars, . . .	1,872 00
Oakham, . . .	Three hundred and sixty dollars, . . .	360 00
Oxford, . . .	One thousand five hundred and forty-eight dollars, . . .	1,548 00
Paxton, . . .	Three hundred and twenty-four dollars, . . .	324 00
Petersham, . . .	Seven hundred and two dollars, . . .	702 00
Phillipston, . . .	Three hundred and twenty-four dollars, . . .	324 00
Princeton, . . .	Nine hundred and eighteen dollars, . . .	918 00
Royalston, . . .	Seven hundred and fifty-six dollars, . . .	756 00
Rutland, . . .	Four hundred and sixty-eight dollars, . . .	468 00

WORCESTER COUNTY—CONCLUDED.

Shrewsbury, .	One thousand one hundred and thirty-four dollars, . . .	\$1,134 00
Southborough, .	One thousand three hundred and eighty-six dollars, . . .	1,386 00
Southbridge, .	Three thousand one hundred and fifty dollars, . . .	3,150 00
Spencer, . .	Two thousand seven hundred and seventy-two dollars, . . .	2,772 00
Sterling, . .	One thousand one hundred and fifty-two dollars, . . .	1,152 00
Sturbridge, .	One thousand one hundred and fifty-two dollars, . . .	1,152 00
Sutton, . . .	One thousand four hundred and seventy-six dollars, . . .	1,476 00
Templeton, .	One thousand three hundred and thirty-two dollars, . . .	1,332 00
Upton, . . .	Eight hundred and eighty-two dollars, . . .	882 00
Uxbridge, . .	One thousand eight hundred and thirty-six dollars, . . .	1,836 00
Warren, . . .	One thousand five hundred and sixty-six dollars, . . .	1,566 00
Webster, . . .	Two thousand five hundred and twenty dollars, . . .	2,520 00
Westborough, .	Two thousand four hundred and thirty dollars, . . .	2,430 00
West Boylston, .	One thousand one hundred and eighty-eight dollars, . . .	1,188 00
West Brookfield,	Eight hundred and sixty-four dollars, . . .	864 00
Westminster, .	Eight hundred and eighty-two dollars, . . .	882 00
Winchendon, .	Two thousand two hundred and thirty-two dollars, . . .	2,232 00
Worcester, . .	Fifty-one thousand three hundred and eighteen dollars, . . .	51,318 00
		<hr/> \$148,446 00

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co., .	Sixteen thousand eight hundred and sixty-six dollars, . . .	\$16,866 00
Berkshire Co., .	Thirty-nine thousand six hundred and seventy-two dollars, . . .	39,672 00
Bristol Co., . .	One hundred thirteen thousand two hundred and ninety-two dollars, . . .	113,292 00
Dukes Co., . . .	Two thousand nine hundred and seventy dollars, . . .	2,970 00

RECAPITULATION—CONTINUED.

Essex Co., .	One hundred sixty-nine thousand four hundred and thirty-four dollars,	\$169,434 00
Franklin Co., .	Eighteen thousand one hundred and forty-four dollars,	18,144 00
Hampden Co., .	Seventy-seven thousand four hundred and ninety dollars,	77,490 00
Hampshire Co., .	Twenty-six thousand eight hundred and twenty dollars,	26,820 00
Middlesex Co., .	Two hundred eighty-six thousand five hundred and sixty dollars, . .	286,560 00
Nantucket Co., .	Two thousand three hundred and ninety-four dollars,	2,394 00
Norfolk Co., .	Ninety-three thousand five hundred and ten dollars,	93,510 00
Plymouth Co., .	Forty thousand nine hundred and fourteen dollars,	40,914 00
Suffolk Co., .	Seven hundred sixty-three thousand four hundred and eighty-eight dollars,	763,488 00
Worcester Co., .	One hundred forty-eight thousand four hundred and forty-six dollars,	148,446 00
		<u>\$1,800,000 00</u>

SECTION 2. The treasurer shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of Commonwealth to issue warrant.

SECTION 3. The treasurer in his warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-six, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

To require selectmen or assessors to issue warrants to city or town treasurers.

To notify delinquent city or town treasurer, etc.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dated on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town, and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1876.

Chap. 246

AN ACT RELATING TO WARD OFFICERS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Three inspectors of elections to be appointed for each ward.

SECTION 1. The mayor of the city of Boston shall, prior to the first day of November in the present year, with the approval of the board of aldermen of said city, appoint for each ward of said city, three inspectors of elections, who shall be qualified voters and inhabitants in such ward. One of said inspectors shall hold his office for one year, one for two years, and one for three years, from said first day of November; and in each year after the present, the said mayor shall, before the first day of November, and with the approval of said board, appoint for each ward one inspector of elections, who shall be a qualified voter and inhabitant in such ward, and shall hold office for three years from the first day of November then next succeeding. Any such inspector may be at any time removed from office by said mayor, with the approval of said board, and any vacancy occurring in the office of said inspectors shall be filled, for the residue of the term of the inspector whose place is to be filled, by appointment and approval as above provided.

May be removed at any time.

To be sworn.

SECTION 2. Said inspectors of elections, before entering upon the duties of their office, shall take and subscribe an oath faithfully and impartially to discharge such duties ;

which oath may be administered by the city clerk, or by his assistant, or by any justice of the peace, and a record made thereof in the office of said city clerk.

SECTION 3. The qualified voters of each ward in said city, at the municipal election to be held in December next, and at each annual municipal election thereafter, shall choose by ballot one warden, one clerk, and three inspectors of elections, each of whom shall be a qualified voter and inhabitant in such ward, and shall hold his office for one year, and until another shall be chosen and qualified in his stead, unless he shall sooner vacate his office in the manner hereinafter set forth.

Warden, clerk,
etc., to be
elected.

SECTION 4. The said wardens, clerks and inspectors, shall respectively make oath faithfully and impartially to discharge their several duties, which oath may be administered by the clerk to the warden, and by the latter to the clerk and inspectors, or to any or all of said officers by the city clerk, or by his assistant or by any justice of the peace; and a certificate thereof shall be entered in the record to be kept by the ward clerk.

To be sworn.

SECTION 5. In case of the non-election of any of said officers at the annual municipal election, the board of aldermen of said city may issue their warrant in due form for an election to be held at such time and place as said board may deem advisable.

In case of non-
election, new
election to be
held.

SECTION 6. In case of the absence of any ward officer at any ward meeting, such officer may be chosen *pro tempore* by hand vote, and shall have all the powers and be subject to all the duties of the regular officer, at such meeting. The person so elected, before entering upon the duties of his office, shall take the oath as hereinbefore provided.

In case of ab-
sence, officer
pro tem. may be
elected by hand-
vote.

SECTION 7. The warden shall preside at all meetings of his ward, and shall have the powers of moderators of town meetings. In case of his absence, the clerk, and in case of the absence of both warden and clerk, one of the elected inspectors, according to seniority in age, shall preside until a new warden has been chosen.

Warden to pre-
side and have
powers of mod-
erators.

SECTION 8. It shall be the duty of the clerk to make and keep a fair and true record of all meetings, and at the expiration of his term of office to deliver such record, together with all other documents and papers held by him in his said capacity, to the city clerk, by whom such of them as need be shall be transmitted to the next ward clerk.

Clerk to keep
records, etc.

Warden and inspectors to receive, sort and count votes.

SECTION 9. It shall be the duty of the warden and inspectors to receive, sort and count, and of the warden to declare, all votes at any election within such ward; and the clerk may assist in assorting and counting the votes.

Ward officers to make and sign returns.

SECTION 10. It shall be the duty of all ward officers named in this act to attend and perform their respective duties at the times and places appointed for elections of any officers, whether of the United States, state, city or wards, or for the determination of any question submitted to the qualified voters by lawful authority; and to make and sign the returns of the same.

Compensation.

SECTION 11. The wardens, clerks and inspectors of elections shall receive such compensation for each day's actual service as the city council of said city may from time to time determine, and shall be subject to the penalties to which such ward officers are subject under general laws.

Ballot-boxes to be provided by registrars of voters.

SECTION 12. The registrars of voters of said city shall provide for each ward therein, a sufficient number of suitable ballot-boxes. No ballots shall be received at any election, until the full number of ward officers as herein-before prescribed has been completed, nor unless the warden, clerk and at least two of the appointed inspectors and two of the elected inspectors are present, nor until each of said ward officers who is present has ascertained by personal examination that the ballot-boxes are empty. While an election is going on, each ballot-box shall be in the immediate charge of two inspectors, one from the appointed inspectors and one from the elected inspectors during the whole time that ballots are received in that box.

Each box to be in charge of two inspectors.

Ward officers elected in December, 1875, to serve at next municipal election.

SECTION 13. The wardens and clerks who were elected in the several wards at the municipal election held in December eighteen hundred and seventy-five, shall hold their offices as such, and act at meetings which may be held in said wards prior to and including the next municipal election; and such of the inspectors of elections in each ward as were elected at said municipal election, or so many of them as may be present, shall likewise hold their offices as such, and act at the meetings which may be held in said wards prior to and including the next municipal election, notwithstanding their number may exceed three; but if any vacancies occur in their number, such vacancies shall not be filled unless the same is required to complete the number of three elected inspectors, and

said vacancies shall be filled in the manner provided in section six of this act.

SECTION 14. Sections seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

Approved April 28, 1876.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 247

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :— Appropriations.

In the act, chapter one hundred and ninety-eight, establishing the salary of the clerk of the second district court of Bristol, the sum of six hundred dollars, in addition to the appropriation heretofore made for the present year. Second district court of Bristol.

In the act, chapter two hundred and five, a sum not exceeding twelve hundred dollars for the salary of the second clerk established in the adjutant-general's department. Second clerk of the adjutant-general.

In the act, chapter two hundred and ten, establishing the salary of the insurance commissioner, the sum of two thousand dollars in addition to the appropriation heretofore made the present year. Insurance commissioner.

For expenses authorized by the act of the present year establishing an additional commissioner of savings banks, a sum not exceeding three thousand dollars. Commissioners of savings banks.

In the resolve, chapter fifty-two, in favor of the Massachusetts Agricultural College, the sum of five thousand dollars. Agricultural College.

In the resolve, authorizing the printing of the election laws, a sum of six hundred dollars. Election laws.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1876.

RESOLVES,

GENERAL AND SPECIAL.

Chap. 1. RESOLVE PROVIDING FOR THE PREPARATION OF A NEW CATALOGUE OF THE STATE LIBRARY.

Catalogue of
State Library.

Resolved, That a sum not exceeding six hundred dollars be allowed and paid out of the treasury of the Commonwealth, to defray the expense of assistance to complete the preparation of a new catalogue of the State Library; said sum to be expended under the direction of the trustees and the librarian.

Approved March 15, 1876.

Chap. 2. RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance to
Eye and Ear In-
firmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of seven thousand five hundred dollars, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year; and the said managers shall report to the board of State Charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved March 16, 1876.

Chap. 3. RESOLVE IN FAVOR OF MARY LUDDY.

Allowance to
Mary Luddy.

Resolved, That on and after the first day of August, in the year eighteen hundred and seventy-one, Mary Luddy be entitled to receive the same amount of state aid that she would have been entitled to receive had she been born before the death of her father Simon Luddy.

Approved March 16, 1876

RESOLVE IN FAVOR OF THE TOWN OF BELLINGHAM.

Chap. 4.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Bellingham, the sum of one hundred and ninety-two dollars, the same being in full reimbursement for the support of Montcalm S. Pettis, a state pauper.

Allowance to town of Bellingham.

Approved March 22, 1876.

RESOLVE IN FAVOR OF WILLIAM P. GILMORE.

Chap. 5.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William P. Gilmore, the sum of one hundred and forty-four dollars, the same being the amount of state aid which he is entitled to receive.

Allowance to William P. Gilmore.

Approved March 22, 1876.

RESOLVE IN FAVOR OF JOHN MCGRATH.

Chap. 6.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the overseers of the poor of the town of Framingham, for the benefit of John McGrath, the sum of one hundred dollars annually for five years, should he so long survive.

Allowance to John McGrath.

Approved March 22, 1876.

RESOLVE IN FAVOR OF FREDERICK B. KELLOGG.

Chap. 7.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Frederick B. Kellogg, the sum of two hundred and fifty-two dollars, the same being the amount of state aid he was entitled to receive from March first eighteen hundred and seventy-two to September first eighteen hundred and seventy-five.

Allowance to Frederick B. Kellogg.

Approved March 22, 1876.

RESOLVE TO PROVIDE FOR THE PAYMENT FROM THE TREASURY OF CERTAIN EDUCATIONAL EXPENSES.

Chap. 8.

Resolved, That there be paid from the treasury the following sums:—

For educational expenditures made in accordance with the provisions of chapters four and one hundred and fourteen of the acts of the year eighteen hundred and seventy-five, the sum of eight thousand five hundred and fourteen dollars and eighty-eight cents.

Also the further sum of two thousand twenty-nine dollars and ninety-one cents expended for the support of the state normal schools, in excess of the appropriation therefor, during the year eighteen hundred and seventy-five.

Appropriation for educational expenditures.

Approved March 28, 1876.

Chap. 9.

RESOLVE IN FAVOR OF ABBIE S. COWLES.

Allowance to
Abbie S.
Cowles.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Abbie S. Cowles the sum of one hundred dollars, as state aid from April first eighteen hundred and seventy-one, to May first eighteen hundred and seventy-three.

Approved March 28, 1876.

Chap. 10.

RESOLVE IN FAVOR OF WILLIAM S. GREENE OF FALL RIVER.

Allowance to
Wm. S. Greene.

Resolved, That there be refunded from the treasury of the Commonwealth to William S. Greene of Fall River, the sum of nine dollars and ninety-two cents, the same being the amount of tax paid by him on amount of premiums received for insurance in the United States Plate Glass Insurance Company of Pennsylvania.

Approved March 28, 1876.

Chap. 11.

RESOLVE IN FAVOR OF THE CITY OF LYNN.

Allowance to
city of Lynn.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the city of Lynn, the sum of three thousand seven hundred and twenty-nine dollars, in reimbursement for rent paid by said city for armories for companies D, F and I, of the eighth regiment of Massachusetts volunteer militia, and for rent of headquarters for said regiment for the years eighteen hundred seventy-four and eighteen hundred seventy-five.

Approved March 30, 1876.

Chap. 12.

RESOLVE IN FAVOR OF THE TOWN OF SCITUATE.

Allowance to
town of Scituate.

Resolved, That out of the Massachusetts school fund there be allowed and paid to the town of Scituate its share of the income of said school fund for the year eighteen hundred and seventy-four.

Approved March 30, 1876.

Chap. 13.

RESOLVE IN FAVOR OF THE GREENVILLE MANUFACTURING COMPANY.

Allowance to
Greenville Man-
ufacturing Com-
pany.

Resolved, That there be allowed and refunded to the Greenville Manufacturing Company, the sum of two hundred ninety-three dollars and sixty cents, said amount being overpaid on account of over-valuation of the stock of said corporation by the tax commissioner.

Chap. 14.

RESOLVE IN FAVOR OF ALBERT F. HOWLAND OF ACUSHNET.

Allowance to
Albert F. How-
land.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Albert F. Howland of Acushnet, (who was confined in the prisons at Salisbury,

N. C., New Orleans, Louisiana, and the Libby prison, and from which confinement his lower limbs and arms were paralyzed, rendering him permanently helpless), an annuity of one hundred dollars during his natural life, in consideration of his permanent disability and great sufferings while imprisoned.

Approved April 4, 1876.

RESOLVE IN FAVOR OF MARY MONAHAN OF SOUTH SCITUATE.

Chap. 15.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Mary Monahan, widow of Patrick Monahan of company C, twenty-eighth regiment Massachusetts Volunteers, state aid to the amount of eight dollars per month, from and after January first eighteen hundred and seventy-six, the same as if she were in receipt of a pension.

Allowance to
Mary Monahan.

Approved April 4, 1876.

RESOLVE IN FAVOR OF ABBY A. DIKE OF STONEHAM.

Chap. 16.

Resolved, That there be allowed and paid to Abby A. Dike of Stoneham, widow of Captain John H. Dike, of company L, sixth regiment of Massachusetts volunteer militia, the sum of eighty-eight dollars, as state aid from February first eighteen hundred and seventy-five to December thirty-first eighteen hundred and seventy-five.

Allowance to
Abby A. Dike.

Approved April 4, 1876.

RESOLVE IN FAVOR OF JAMES B. COLLINGWOOD.

Chap. 17.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James B. Collingwood, the sum of one hundred fifty-seven dollars and eighty-three cents, the same being in full for all claim for indemnity under section sixty-four of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine.

Allowance to
James B. Col-
lingwood.

Approved April 4, 1876.

RESOLVE IN FAVOR OF ELIZA BROWN OF DOVER.

Chap. 18.

Resolved, That there be allowed and paid to Eliza Brown, daughter of John M. Brown, late private of the seventh Massachusetts battery, the sum of fifty-six dollars, the same being the amount of state aid she was entitled to receive from the first day of February eighteen hundred and seventy-four to the first day of April eighteen hundred and seventy-five.

Allowance to
Eliza Brown.

Approved April 4, 1876.

Chap. 19. RESOLVE TO AUTHORIZE THE ISSUE OF ARMS TO THE DEAN ACADEMY.

Arms may be
issued to Dean
Academy for
use of pupils.

Resolved, That the governor be and hereby is authorized to issue to the president of Dean Academy, of Franklin, such arms for the use of the pupils of said academy as in his judgment may be so distributed without detriment to the militia service: *provided*, that the president and faculty of said Dean Academy shall give a bond, with sufficient sureties, for the return of said arms in good order and condition, whenever the governor shall so direct, and shall in the meantime keep said arms properly insured against loss by fire, at their expense; and the president and faculty of said Dean Academy are hereby released from the penalty of their bond given in compliance with chapter fifteen of the resolves of the year eighteen hundred and seventy-one.

Approved April 4, 1876.

Chap. 20. RESOLVE IN FAVOR OF THE NORMAL SCHOOLS AT SALEM, WESTFIELD, FRAMINGHAM AND BRIDGEWATER.

Normal schools.

Resolved, That there be allowed and paid out of the treasury the following sums, expended and to be expended under the direction of the board of education, to wit:—

School building
in Salem.

For repairs upon the school building of the normal school at Salem, the sum of fourteen hundred eighty-three dollars and ninety-one cents.

Laboratory at
Westfield.

For fitting and furnishing a chemical laboratory in the building of the normal school at Westfield, and for chemicals and apparatus therefor, a sum not exceeding two thousand dollars.

School building
at Framingham.

For restoring the lining and refitting the water-tank with the pipes connected therewith, in the normal school building at Framingham, for a steam-boiler in the boarding house laundry, and for refitting the same, for additional furniture for the dormitories, and for chemical apparatus and chemicals, a sum not exceeding two thousand six hundred dollars.

Expenditures
chargeable to
different appro-
priation.

For the payment of expenditures chargeable to a different appropriation, the sum of four hundred and ninety-five dollars and seventy-two cents, being the amount drawn by mistake from the special appropriation for supplying water at said school.

School building
at Bridgewater.

For painting the school building of the normal school at Bridgewater, and for purchasing a globe and a manikin for said school, a sum not exceeding eighteen hundred dollars.

Approved April 4, 1876.

RESOLVE IN FAVOR OF DANIEL DOWNEY OF LAWRENCE.

Chap. 21.

Resolved, That state aid be allowed to Daniel Downey, of Lawrence, from and after January first, eighteen hundred seventy-six, the same as he would have received had he been a resident of Massachusetts April twenty-third, eighteen hundred and sixty-six.

Approved April 6, 1876.

Allowance to
Daniel Downey.

RESOLVE IN FAVOR OF ELLEN NOLAN OF WESTBOROUGH.

Chap. 22.

Resolved, That there be allowed and paid to Ellen Nolan of Westborough, daughter of Captain Patrick Nolan of the twenty-eighth Massachusetts Volunteers, the sum of seventy-six dollars, the same being the amount of state aid she was entitled to receive from January first eighteen hundred and seventy-four to the thirty-first day of July eighteen hundred and seventy-five.

Approved April 6, 1876.

Allowance to
Ellen Nolan.

RESOLVE CONCERNING THE COMMISSIONERS OF PRISONS.

Chap. 23.

Resolved, That the commissioners of prisons be instructed to report to the next legislature, during the first week of its session, a definite plan for dividing the state into prison districts, with an estimate of the expense of carrying the same into effect; and also to present an estimate of the value of the various prison buildings in the several counties, and to make such other recommendations* upon the subject as they may deem proper.

Approved April 6, 1876.

Commissioners
of prisons to re-
port a plan for
dividing state
into prison dis-
tricts.

RESOLVE RELATING TO PAPERS AND DOCUMENTS BELONGING TO THE FILES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 24.

Resolved, That all papers and documents belonging to the files of the senate and house of representatives, after the expiration of each political year, shall be in the care and custody of the secretary of the Commonwealth; and the clerks of the two houses, during the terms of their respective offices, shall at all times have access to the same.

Approved April 7, 1876.

Custody of pa-
pers on files of
Senate and
House of Rep-
resentatives.

RESOLVE IN RELATION TO CHARGES FOR TRANSPORTATION OF COAL BY RAILROAD CORPORATIONS.

Chap. 25.

Resolved, That the board of railroad commissioners be instructed to investigate the prices charged by railroad corporations for transportation of coal between points upon the Hudson River in New York and points in Berkshire county, and to make such recommendations to the railroad

Railroad com-
missioners to in-
vestigate prices
of transporta-
tion of coal, etc.

corporations, and to recommend to the next general court such legislation as they may deem expedient.

Approved April 7, 1876.

Chap. 26. RESOLVE FOR THE PURPOSE OF ASSISTING DISCHARGED FEMALE PRISONERS.

Allowance for
discharged fe-
male prisoners.

Resolved, That there be allowed and paid out of the treasury, under the direction of the governor, a sum not exceeding fifteen hundred dollars, for the purpose of assisting discharged female prisoners.

Approved April 7, 1876.

Chap. 27. RESOLVE PROVIDING FOR HEATING, LIGHTING AND FURNISHING THE ADDITION TO THE STATE REFORM SCHOOL AT WESTBOROUGH.

State Reform
School at West-
borough.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding thirteen thousand dollars, for heating, lighting and water-piping the addition to the State Reform School at Westborough, and a further sum of twelve thousand dollars for the furnishing of the same.

Approved April 7, 1876.

Chap. 28. RESOLVES IN RELATION TO THE STATE BOARD OF HEALTH.

State Board of
Health to report
upon drainage
and sewerage.

Resolved, That so much of the report of the state board of health as relates to the subject of drainage and sewerage of cities and towns, be referred to the next general court.

Resolved, That said state board of health be instructed to report to the legislature for its use, such additional facts and information in regard to the above subjects of drainage and sewerage as may be in its possession; such report to be made in print not later than the first day of January in the year eighteen hundred and seventy-seven.

Approved April 7, 1876.

Chap. 29. RESOLVE IN FAVOR OF MARY LAMB OF BOSTON.

Allowance to
Mary Lamb.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Mary Lamb, of Boston, widow of Lawrence Lamb, a private of company A, twenty-eighth regiment Massachusetts Volunteers, state aid from and after January first eighteen hundred and seventy-six, the same amount she would be entitled to receive were she married to him previous to his discharge from the army.

Approved April 12, 1876.

RESOLVE IN FAVOR OF THE TOWN OF SOUTH ABINGTON.

Chap. 30.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of South Abington, the sum of one hundred and ninety-eight dollars and ninety-eight cents, for rent of the armory of company C, third regiment of Massachusetts volunteer militia, from March fourth eighteen hundred and seventy-five to December thirty-first eighteen hundred and seventy-five.

Allowance to
town of South
Abington.

Approved April 12, 1876.

RESOLVE IN FAVOR OF THE WORCESTER LIGHT INFANTRY COMPANY.

Chap. 31.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Worcester Light Infantry Company of Worcester, the sum of two hundred dollars as compensation for the eight tents borrowed by the quartermaster-general's department on the twenty-fourth day of May in the year eighteen hundred and sixty-one and never returned, the same being the private property of said company.

Allowance to
the Worcester
Light Infantry.

Approved April 12, 1876.

RESOLVE IN FAVOR OF ELIZABETH HOWES.

Chap. 32.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to Elizabeth Howes the amount of two hundred and five dollars, the same being the value of four coupons of Massachusetts bonds (Lunatic Hospital and State Prison Loan) being numbers seventeen, eighteen, nineteen and twenty, amounting to one hundred dollars; also the value of three coupons of Massachusetts bonds, (Union Loan) being numbers two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight, amounting to forty-five dollars; also the value of two coupons of Massachusetts bonds, (Union Loan) being numbers eight hundred and fifty-nine and eight hundred and ninety-five, amounting to sixty dollars; said coupons being due and payable on the first day of January, one thousand eight hundred and seventy; the said Elizabeth Howes furnishing to said treasurer satisfactory security for the repayment of the above amount, upon demand of said treasurer, made at the request of any person establishing to the satisfaction of said treasurer a legal right to the same. Said coupons are alleged to have been lost in said month of January in the year aforesaid.

Allowance to
Elizabeth
Howes.

Approved April 12, 1876.

Chap. 33. RESOLVES PROVIDING FOR THE PRINTING OF AN ADDITIONAL VOLUME OF THE SPECIAL LAWS.

Special laws to be printed under direction of the Secretary of the Commonwealth.

Resolved, That the special acts of this Commonwealth, passed from the year eighteen hundred and seventy-one to the year eighteen hundred and seventy-six, inclusive, be collated and published, under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volumes of the special laws heretofore published, and in such manner that the size of such volume shall not exceed that of the volume last printed; and that a full and complete index of the matter contained therein be appended to said volume: *provided*, that the secretary shall have authority to omit the text of such acts as he shall judge unnecessary to be printed entire, but in such cases he shall include in the volume the titles and dates of such acts, with a brief statement of the reason for omitting the text thereof, and the titles thereof shall be included in the index; and he shall cause to be printed, in smaller type than the principal text of the volume, any act which is repealed or obsolete, if he deems it necessary to include such act in the volume; and whenever any act was prescribed to take effect when accepted by some city, or town, or by the people thereof, or by some corporation, the secretary shall ascertain whether it was accepted or not, and the fact shall be noted in the volume.

Distribution of volumes.

Resolved, That fifteen hundred copies of the volume aforesaid shall be printed and shall be distributed as follows:—One hundred copies for the use of the various state offices and committee-rooms, and for the two houses of the legislature; one copy to each member of the present general court; one copy to each of the judges of the supreme judicial and superior courts and each judge of probate and insolvency; two hundred copies for the state library, six copies to be preserved upon the shelves, and the residue to be used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists therein; one copy to each public and incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to the clerk of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received

therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purpose of resale. And the secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office, a paper describing said fact, and that such copy is to be transmitted by the present incumbent, at the expiration of his term of office, to his successor in such office.

No copies to be sold for purpose of resale.

Approved April 17, 1876.

RESOLVE RELATING TO THE IMPROVEMENT OF THE FISHWAY IN THE MERRIMACK RIVER AT LAWRENCE, AND OF THE HOLYOKE FISHWAY IN THE CONNECTICUT RIVER.

Chap. 34.

Resolved, That a sum not exceeding three thousand dollars, be allowed and paid out of the treasury of the Commonwealth, which the commissioners on inland fisheries are authorized to expend for the completion of the Lawrence fishway, and the improvement at the foot of the Holyoke fishway.

Fishways in Merrimack and Connecticut Rivers.

Approved April 17, 1876.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Chap. 35.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of three thousand dollars to the Disabled Soldiers' Employment Bureau.

Disabled Soldiers' Employment Bureau.

Approved April 17, 1876.

RESOLVE IN FAVOR OF EDWARD FISHER OF BOSTON.

Chap. 36.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Edward Fisher, bugler of company B. first battalion cavalry, M. V. M., one hundred and sixty dollars, in compensation for injuries received while doing military duty at camp in Framingham, in August eighteen hundred and seventy-five.

Allowance to Edward Fisher.

Approved April 21, 1876.

RESOLVE IN FAVOR OF WILLIAM PRATT OF ASHBURNHAM.

Chap. 37.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William Pratt of Ashburnham, in full compensation for injuries received by the kick of a horse on the seventeenth day of June eighteen hundred and seventy-five, while in the discharge of his duty, the sum of one hundred and fifty dollars.

Allowance to William Pratt.

Approved April 21, 1876.

Chap. 38.

Allowance to
Samuel Easter.

RESOLVE IN FAVOR OF SAMUEL EASTER OF BOSTON.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Samuel Easter, a private of company C. first battalion of cavalry, M. V. M., the sum of one hundred dollars in full compensation for injuries received while doing military duty in camp at Framingham.

Approved April 21, 1876.

Chap. 39.

Allowance to
Edward M.
Steimle.

RESOLVE IN FAVOR OF EDWARD M. STEIMLE OF BOSTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Edward M. Steimle, a private of company B. first battalion of cavalry, M. V. M., the sum of five hundred dollars, in full compensation for injuries received while doing military duty at Boston on the seventeenth day of June, eighteen hundred and seventy-five.

Approved April 21, 1876.

Chap. 40.

Allowance to
F. F. Follans-
bee.

RESOLVE IN FAVOR OF F. F. FOLLANSBEE OF BOSTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to private F. F. Follansbee, of battery A. first battalion of light artillery, the sum of one hundred dollars in compensation for injuries received while doing military duty in camp at Framingham.

Approved April 21, 1876.

Chap. 41.

Allowance to
Joshua H. El-
dridge.

RESOLVE IN FAVOR OF JOSHUA H. ELDRIDGE OF BOSTON.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Joshua H. Eldridge, a private of company C. first battalion of cavalry, M. V. M., the sum of one hundred dollars, in full compensation for injuries received while in the performance of military duty for the state.

Approved April 21, 1876.

Chap. 42.

Allowance to
Patrick Buck-
ley.

RESOLVE IN FAVOR OF PATRICK BUCKLEY OF NORTH ADAMS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Patrick Buckley, of North Adams, an annuity of one hundred and twenty-five dollars for the term of five years, for injuries sustained at the Hoosac Tunnel while in the employment of the Commonwealth.

Approved April 21, 1876.

Chap. 43.

Commissioners
on revising
judicial system,
to be appointed.

RESOLVE AUTHORIZING THE APPOINTMENT OF A COMMISSION TO INQUIRE INTO THE EXPEDIENCY OF REVISING THE JUDICIAL SYSTEM OF THE STATE.

Resolved, That the governor and council be and they are hereby authorized to appoint a commission, consisting of three suitable persons learned in the law, to sit during the

recess of the legislature, with authority to call witnesses, to inquire into the expediency of revising the judicial system of the state with a view to securing greater economy, efficiency and promptness in the administration of justice, especially by justices of the peace, trial justices, and police, district and municipal courts. Said commission shall submit its report in writing, with bill or bills if practicable, to the secretary of the Commonwealth, on or before the twentieth day of December next, on which day the commission shall expire. The secretary of the Commonwealth shall cause the report to be printed as a document of the public series to be laid before the next general court, and a sufficient number of copies to be printed to allow the secretary to transmit one to each member of the present legislature, in addition to the distribution of such documents now prescribed by law. *Approved April 26, 1876.*

May call witnesses, etc.

RESOLVE IN FAVOR OF C. J. HINKSON.

Chap. 44.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to C. J. Hinkson, battery A. first battalion light artillery, M. V. M., for injuries received in the militia service of the Commonwealth, the sum of one hundred dollars. *Approved April 26, 1876.*

Allowance to C. J. Hinkson.

RESOLVE PROVIDING FOR REPAIRS ON THE STATE HOUSE.

Chap. 45.

Resolved, That there be allowed and paid out of the treasury a sum not exceeding one thousand dollars, for repairs and improvements on the state house, to be expended by the sergeant-at-arms under the direction and with the approval of the commissioners on the state house; and the same is hereby appropriated.

Repairs on state house.

Approved April 26, 1876.

RESOLVE IN RELATION TO STATE ALMSHOUSES, ASYLUMS AND REFORMATORY INSTITUTIONS.

Chap. 46.

Resolved, That the governor and council, and the several boards of inspectors and boards of trustees having charge of the various state charitable and reformatory institutions, be requested to review the salaries and other expenses paid under their direction, and to make reductions therein so far as the same may be made without detriment to the public interest, and to cut off all unnecessary expenditures. *Approved April 26, 1876.*

State asylums and reformatory institutions, expenses to be reduced.

Chap. 47. RESOLVE GRANTING AID TO PUPILS IN THE STATE NORMAL SCHOOLS.

Allowance for
aid of pupils in
normal schools.

Resolved, That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding four thousand dollars, for aid to pupils in the state normal schools, the same being payable in semi-annual payments, to be expended under the direction of the board of education.

Approved April 26, 1876.

Chap. 48. RESOLVES PROVIDING FOR THE STEREOTYPING, PRINTING, BINDING AND DISTRIBUTION OF THE DECENNIAL CENSUS AND STATISTICS OF INDUSTRY.

Decennial Cen-
sus and Statis-
tics of Industry,
to be printed.

Resolved, That the Decennial Census and Statistics of Industry of the Commonwealth for the year eighteen hundred and seventy-five, be stereotyped.

Resolved, That there be printed and bound five thousand copies of the Decennial Census and Statistics of Industry of the Commonwealth for the year eighteen hundred and seventy-five.

Distribution.

Resolved, That said five thousand copies be distributed as follows: ten copies each to the governor, lieutenant-governor and each member of the council, senate and house of representatives; one copy to each senator and representative of Massachusetts in congress; one copy to the head of each of the departments of the Commonwealth; one copy to the attorney-general; three hundred copies to the state library, six copies to be preserved on the shelves and the residue to be used in exchanges and for distribution; ten copies to the public library of the city of Boston; ten copies each to the clerks, and one copy each to the assistant clerks and to the chaplains of the two houses of the legislature; ten copies to the sergeant-at-arms, and one copy each to such of his assistants, not exceeding twenty-five, as he may designate; one copy to each reporter to whom a seat has been allotted by the president of the senate or speaker of the house of representatives; one copy to each city or town in the Commonwealth, to be placed in the city or town library when such library is established; one copy to each public or incorporated library in the Commonwealth, other than city and town libraries; one copy to each of the judges of the supreme judicial court and of the superior court; one copy to each judge of probate and insolvency; one copy to the clerk of the courts in each county; one copy to each district-attorney; one copy to each sheriff; one copy to each register of deeds; one copy to each register of probate

and insolvency; and one thousand copies to the bureau of statistics on the subject of labor, for distribution at the present time; and the residue of said five thousand volumes to be delivered to the secretary of the Commonwealth, not exceeding one hundred copies for distribution at the present time, and the remainder for preservation and for future distribution. Distribution.

Resolved, That the said five thousand copies be delivered by the printers to the state, to the secretary of the Commonwealth, to the sergeant-at-arms to the general court, and to the bureau of statistics on the subject of labor, for distribution agreeably to these resolves, in such proportions as may be determined by the governor and council.

Resolved, That said census and industrial statistics be printed in octavo volumes of the size and general style of the annual reports heretofore of the bureau of statistics on the subject of labor, and that the matter thereof be contained in one, two or three volumes, as the chief of said bureau shall decide: *provided*, that if the matter be contained in more than one volume, each volume, as far as practicable, shall consist of the same class or classes of information.

Resolved, That should it be deemed necessary to print a larger edition of the Decennial Census and Statistics of Industry of the Commonwealth than provided by the second of these resolves, the chief of said bureau, with the approval of the governor and council, may, before the meeting of the next legislature, order a second edition of said report, not to exceed one thousand copies, to be distributed as the governor and council may direct: *provided*, that said second edition shall be printed in all respects in the same style as the first and upon paper of the same quality, and that one copy thereof shall be delivered, on application, to each member of the present legislature.

Approved April 27, 1876.

RESOLVE GRANTING COUNTY TAXES.

Chap. 49.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law:— County taxes granted.

Barnstable,—Fifteen thousand dollars.

Bristol,—One hundred and three thousand dollars.

Berkshire,—Eighty thousand dollars.
 Dukes,—Six thousand five hundred dollars.
 Essex,—One hundred and forty thousand dollars.
 Franklin,—Thirty-five thousand dollars.
 Hampden,—Eighty thousand dollars.
 Hampshire,—Thirty-eight thousand dollars.
 Middlesex,—One hundred thousand dollars.
 Norfolk,—Seventy-seven thousand dollars.
 Plymouth,—Forty-five thousand dollars.
 Worcester,—One hundred thousand dollars.

Approved April 27, 1876.

Chap. 50.

Allowance for
barn at state
almshouse.

RESOLVE IN AID OF THE STATE ALMSHOUSE AT TEWKSBURY.

Resolved, That there be allowed and paid out of the treasury the sum of one thousand dollars, to be expended by the inspectors of the state almshouse at Tewksbury, for the purpose of repairing the large barn attached to said institution; said money to be used for no other purpose.

Approved April 27, 1876.

Chap. 51.

State Normal
Art-School.

RESOLVE IN FAVOR OF THE STATE NORMAL ART-SCHOOL.

Resolved, That there be allowed and paid out of the treasury, the following sums which are hereby appropriated, to wit:—

A sum not exceeding ten thousand two hundred and fifty-eight dollars and fourteen cents, for rent, taxes and other expenses connected with the premises occupied by the State Normal Art-School, in the building known as School Street Block, Boston, from July the sixteenth eighteen hundred and seventy-five to January the sixteenth eighteen hundred and seventy-seven, under and by virtue of a lease made to the Commonwealth, subject to the approval of the legislature, and executed by Jacobs and Deane on the day first above named, and of a lease or agreement supplementary thereto, made on the first day of December, eighteen hundred and seventy-five; which said lease and agreement are hereby ratified and approved:—

Also a sum not exceeding four thousand and thirty-eight dollars for fitting and furnishing said premises for the use of the state.

Approved April 28, 1876.

Chap. 52.

In aid of Mass.
Agricultural
College.

RESOLVE IN AID OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, the same to be expended under the

direction of the trustees of the Massachusetts Agricultural College, for the payment of the current expenses of the present year not otherwise provided for: *provided*, that the excess of expenditures above receipts shall not exceed that sum.

Approved April 28, 1876.

RESOLVE TO PROVIDE FOR REPAIRING THE STATE ARSENAL AT SOUTH FRAMINGHAM.

Chap. 53.

Resolved, That a sum not exceeding eighteen hundred dollars be allowed and paid, and the same is hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for repairing the state arsenal at South Framingham.

State arsenal at Framingham.

Approved April 28, 1876.

RESOLVE CONCERNING THE PRINTING OF LAWS RELATING TO ELECTIONS.

Chap. 54.

Resolved, That the secretary of the Commonwealth shall cause to be prepared a pamphlet containing the acts passed at the present session, relating to elections, together with the provisions of the General Statutes and other laws now in force, relating to elections, with proper notes and references and a complete index, in such form as may be convenient for preservation and use in the several cities and towns of the Commonwealth; and that he transmit three copies thereof to the clerk of every town, and three times as many copies to the clerk of every city as there are wards in such city; and also one copy to each member of the present legislature, and one copy to each city and town.

Laws relating to elections to be printed and distributed.

Approved April 28, 1876.

RESOLVE RELATING TO MILITIA ENCAMPMENTS IN THE PRESENT YEAR.

Chap. 55.

Resolved, That after the re-organization of the militia as provided in an act of the present year entitled "An Act to reduce the expenses and increase the efficiency of the militia," the commander-in-chief may authorize an encampment, at some time during the present year, of any brigade, regiment, battalion or corps of cadets, without the limits of the state, such encampment to last five days; and any brigade, regiment, battalion or corps of cadets which shall fulfil at such encampment the requirements of law with reference to encampments, to the satisfaction of the commander-in-chief, or of such officer as may be designated by him to report thereon, shall be relieved from the requirements of section ninety-eight of chapter

Militia encampments the present year may be permitted without the limits of the state.

three hundred and twenty of the acts of the year eighteen hundred and seventy-four, with reference to encampments for the present year, and the officers and enlisted men of such brigades, regiments, battalions or corps of cadets shall receive the same pay and allowances for service in such encampment as they would be entitled to receive if the encampment were had upon the state grounds in the town of Framingham; and no allowance shall be made for transportation beyond the limits of the state; and no money shall be allowed or paid from the treasury of the state by reason of the passage of this resolve, which would not have been payable if the encampments hereby authorized were had within the limits of the state, in conformity with the provisions of section ninety-eight aforesaid.

Approved April 28, 1876.

Chap. 56. RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may borrow money in anticipation of revenue.

Resolved, That the treasurer and receiver-general be, and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved April 28, 1876.

Chap. 57. RESOLVES INSTRUCTING THE ATTORNEY-GENERAL TO INSTITUTE PROCEEDINGS AGAINST CERTAIN OFFICIALS OF THE BOSTON AND ALBANY RAILROAD.

Attorney-general to institute proceedings against certain officials of the Boston and Albany Railroad.

Resolved, That the president and certain of the directors of the Boston and Albany Railroad Company have, as appears by the evidence submitted before the committee on railroads, been engaged in certain pecuniary transactions, inconsistent with the honorable and faithful discharge of their trust.

Resolved, That the attorney-general, with the approval of the governor and council, is hereby instructed to take such action, and institute such proceedings as he shall deem advisable, on behalf of the Commonwealth, for the protection of its interest as a stockholder of the Boston and Albany Railroad Company for the recovery of any

moneys or other property due or belonging to the Boston and Albany Railroad Company, in the hands of any officer, director, agent or employé thereof or any other person, and for the preservation and protection of the rights and property of the Commonwealth and other stockholders therein; and he is authorized to employ such assistance, legal or otherwise, as he may consider necessary, subject to the approval of the governor and council, the expense thereof to be paid out of any moneys in the treasury not otherwise appropriated.

Approved April 28, 1876.

THE General Court of 1876, during its annual session, passed two hundred and forty-seven Acts and fifty-seven Resolves, which received the approval of the Governor. In addition to these, two Acts, entitled respectively, "An Act to confirm the marriage of James Parton and Ellen Willis Eldredge," and "An Act to regulate the sale of intoxicating liquors," were laid before His Excellency the Governor, for his approval, and were returned by him to the branches in which they respectively originated, with his objections thereto. The first of said Acts was returned to the House of Representatives; and the House of Representatives proceeded to reconsider the same agreeably to the provisions of the Constitution, and the vote being taken on passing the Act, the objections of the Governor to the contrary notwithstanding, the same was rejected,—two-thirds of the members present and voting thereon not having voted in the affirmative. The second of said Acts was returned to the Senate; and the Senate proceeded to reconsider the same agreeably to the provisions of the Constitution, and the vote being taken on passing the Act, the objections of the Governor to the contrary notwithstanding, the same was rejected,—two-thirds of the members present and voting thereon not having voted in the affirmative.

The Acts may be classified as follows: Acts of a public character, two hundred and twelve. Special Acts, relating to private property, persons or corporate bodies, thirty-five.

The General Court of 1876 was prorogued on Friday, April 28, the session having occupied one hundred and fifteen days.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed Article of Amendment to the Constitution of this Commonwealth, has been officially certified and deposited in the Secretary's Department, as required by chapter 156 of the Acts of 1865, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection.

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION, TO RENDER THE PRESIDENT, PROFESSORS AND INSTRUCTORS OF HARVARD COLLEGE ELIGIBLE TO SEATS IN THE SENATE AND HOUSE OF REPRESENTATIVES.

Resolved, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment, and that the same, as thus agreed to, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen, and that the same be published, to the end that if agreed to by the general court next to be chosen in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the Commonwealth.

ARTICLE OF AMENDMENT.

So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.

SENATE, March 24, 1876. The foregoing article of amendment is agreed to, a majority of the senators pres-

ent and voting thereon having voted in the affirmative, and the same is referred to the General Court next to be chosen.

GEO. B. LORING, *President*.

HOUSE OF REPRESENTATIVES, March 31, 1876. The foregoing article of amendment is agreed to by the House, two-thirds of the members present and voting thereon having voted in the affirmative, and the same is referred, in concurrence, to the General Court next to be chosen.

JOHN D. LONG, *Speaker*.

[The Resolves providing for Amendments to the Constitution, relative to Sheriffs, Commissioners of Insolvency, District Attorneys and Clerks of Courts, which were agreed to by the General Court of the year 1875, in the manner provided by the Constitution, failed to receive the approval of the General Court of the year 1876.]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. RICE.

At one o'clock on Thursday, the sixth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

ADDRESS.

*Gentlemen of the Senate and of
the House of Representatives:*

We are assembled, in pursuance of the provisions of the Constitution and laws of Massachusetts, and by the selection of her citizens, to discharge, during the present year, the legislative and executive functions of her government. A trust so intimately affecting all classes of her people in their civil, social, and domestic life,—compassing so largely their rights, privileges, and property, and spreading so generally through all their interests and activities,—appeals at once to our most sacred convictions of duty, our impartial judgment, and to a high and steadfast ambition.

The founders of the Commonwealth relied upon the ruling hand of the Almighty while they built up the State with the offices of religion and patriotism, and they have

sent these sacred injunctions along with the heritage which they bequeathed to posterity.

To the same beneficent Providence we turn in the commencement of our labors, with the prayerful hope that God will be with us as he was with our fathers.

The Muse of History is already winding the last envelopes upon our first centennial scroll, and we look back with rekindled faith and gratitude through one hundred years of national existence illumined by the glories of the closing epoch. The Colonies, few and feeble, at first patient under oppression, then stung by injustice, and, at last, burning with the love of liberty, launched into being as a Nation upon a declaration of natural and political rights, vital with immortal truth, and falling with renovating and electric touch upon the hearts and consciences of mankind. Viewed even in the familiar aspect of the present day, the Republic was one of those sublime conceptions which are grasped only in a state of high mental exaltation, and after every personal possession has been brought to the altar of unselfish patriotism. It embodied the instinctive wisdom which flows from virtue almost divine, coupled with the deductions of experience through all the ages and wherever humanity has struggled for a government of natural freedom, restrained only by the limitations of social necessity. The great appeal put forth with momentous solemnity on the fourth of July, 1776, was both a declaration and a prophecy. It declared the natural equality of all men before the laws; and the pledge of life, fortune, and sacred honor to the maintenance of this declaration was the promise that this Western Continent should, in the providence of God, exhibit an example of national greatness based upon this immortal principle.

Stepping into an arena where the light of truth, rather than the precedents of example, was to be the guide, the effort to combine in national unity, colonies already measurably developed under the influences of different blood, different antecedents, and different physical conditions,—what wonder that there crept into the organization the lingering elements of discord, the scattered seeds of imperfect civilization, or the smouldering embers of impending war! National and individual lives have the common inheritance of discipline in their higher developments; and if the strengthening of virtue follows the resistance of evil

in the one case, it is also decreed that nations shall rise in power and dignity as the reward of righteousness.

The progress of the country through these hundred years has been constant and beneficent. The forests have been subdued, the rivers spanned, the mountains scaled, the prairies planted, transportation everywhere provided, the mines opened, industries established, commerce extended, the arts encouraged, science and literature cultivated, education fostered by public provision and private bounty, knowledge disseminated by press and platform, religion recognized and espoused, and all the elements of high civilization put into action from sea to sea. Moreover, the conflicting elements of that civilization have measured strength in trials of experience. False theories of local government, and of the relations of the States to the Union, have passed away; the great conflict between freedom and slavery, which surged in the capitol and before the people, culminated in a resort to arms which struck the last shackle from the slaves, and made the flag of the Republic indeed the ensign of freedom, regardless of the boundaries of States or of sections. The recent amendments to the Federal Constitution have secured the main achievements of the war with the seal of fundamental law, by giving to the liberated slaves exemption from political disability on account of race, color, or previous condition of servitude; have incorporated them numerically in the basis of representation, and established their rights and prerogatives of citizenship. And all these political results have been accepted by the people of the country, without party distinctions, and with substantial unanimity. The bitterness of sectional hatred has given place to a generous cordiality, and the voice of disunion is forever hushed in a loyal patriotism.

With these results attained, the people of the country are prepared for new departures in political policy, and the pursuit of new means and objects of growth and renown. There is a healthy determination among them for the purification of the public service, wherever its administration is faulty or corrupt; a demand for economy and retrenchment in every department of government, national, state, and municipal; for the extension of the blessings of education into the States lately in rebellion, and for the encouragement there and everywhere of social order under the common securities for life, person, and property; for

such an adjustment of the laws to the commercial and industrial interests and resources of the country as shall best revive its business, and give to all classes, and especially to the laboring and dependent, renewed and enlarged opportunities to better their condition, and to secure that competency which should be the reward of honest toil; for a currency which, while adapted to the wants and convenience of local exchange and investment, shall be stable, and accord with the recognized standards of value in other civilized and commercial countries; and that the national debt shall be honestly paid according to the public promise. So strong are these demands,—these determinations in the minds of the people,—that we may confidently believe that no organization and no party can retain or receive the public confidence, or deserve it, if it disregards them; that every Legislature will be expected to pursue them, and that henceforth they will be among the potential agencies in political administration, and the guaranties both of a higher standard of public and personal morality, and of a quickened and permanent prosperity.

It is under such expectations and auspices that we begin our official duties, and it will be my endeavor to join in cordial coöperation with you for their fullest accomplishment.

STATE FINANCES.

The public debt of the Commonwealth now amounts to nearly thirty-four millions of dollars, showing an apparent increase over the corresponding period last year of about four and a half millions,—a larger increase than has been made in any year since the direct expenses for the war ceased. A portion of this increase was authorized by the Legislatures of previous years, but did not appear in their accounts; and a portion of the money raised is still in the treasury, a favorable state of the money market having rendered it expedient, in the opinion of the fiscal officers, to anticipate the immediate demands upon appropriations; but I am informed that it is certain the whole amount, and probably some additions, will be required to complete the objects and fulfil the purposes for which the appropriations were made. It will be observed, also, that the increase of the sinking-fund account is made nearly commensurate with the increase of the debt; this fund is kept unimpaired and unpledged, except for the special

purposes for which it has been from time to time created, and it therefore virtually provides for the ultimate payment of that portion of the debt. Yet an increasing debt makes also an increasing interest account, which must be annually provided for in some form of taxation.

While the credit of the State justly remains unimpaired, and its resources are amply sufficient to keep it so, yet the continued depression of the business of the country, and the diminished income of almost all classes of the people, admonish us that there should be no increase in any form of the public indebtedness or expenditures except for purposes of cardinal importance and necessity. The tendencies of the times have been towards excess and extravagance in all things, and vigilance is required to prevent the extension of this influence into the objects of legislation, and thus to bring directly or unawares upon the State, pecuniary burdens which will be oppressive to the people and injurious to its credit at home and abroad. It has always been a subject of honorable satisfaction to our fellow-citizens, that the good credit of the State has been maintained through the vicissitudes of peace and war; and the premiums which have from time to time been realized from the sale of its bonds, have formed a considerable portion of the sinking funds which are so important a security for its loans.

The following statement shows the amount and character of the funded debt, January 1, 1876:—

Aggregate funded debt, January 1, 1875, \$29,465,204 00

Scrip issued during the year:—

Troy & Greenfield R. R.		
loan (sterling), . . .	\$1,497,980	00
Troy & Greenfield R. R.		
loan (dollars), . . .	1,300,000	00
Worcester Hospital loan,	750,000	00
Danvers Hospital loan, .	250,000	00
State Prison and Wo-		
men's Prison (sterling),	1,292,280	00
	<hr/>	5,090,260 00
<i>Amount carried forward,</i>	.	\$34,555,464 00

<i>Amount brought forward,</i>		\$34,555,464 00
Paid during the year :—		
Harbor Improvement loan,	\$230,000 00	
Union Fund loan, . . .	432,000 00	
Lunatic Hospital and		
Prison loan of 1854, . .	1,000 00	
Almshouse loan of 1854,	1,000 00	
New State Prison loan, .	5,000 00	
	<hr/>	669,000 00
Present funded debt, . . .		\$33,886,464 00

Classification of the debt :—

Railroad loans, . . .	\$17,768,996 00
War loans, . . .	12,724,188 00
Ordinary loans, . . .	3,393,280 00
	<hr/>
	\$33,886,464 00

Net increase of funded debt in 1875, \$4,421,260 00

Thirteen thousand dollars of overdue bonds have not yet been called for.

The balance of the Union Fund loan, \$1,424,000, will mature during the current year, and its payment is amply provided for by the sinking fund applicable for that purpose.

The sinking funds amount to \$11,725,309.12.

These funds, as also the Back Bay lands, the South Boston flats, and other property, are, by existing laws, pledged for the redemption of the state debt, and with, perhaps, the exception of the Troy and Greenfield loan and the prison and hospital loan, will be sufficient for its redemption at maturity.

The estimates for 1876 are as follows :—

Ordinary expenditures and payments from	
the revenue,	\$4,960,700 00
The ordinary revenue of the year, including	
revenue cash in the treasury, . . .	3,649,234 00

A state tax of \$1,800,000 or \$2,000,000 will be necessary to meet the estimated deficiency, and leave the treasury at the close of the year with cash in hand sufficient for such calls as may be made upon it before the ordinary revenues of the succeeding year shall begin to be realized.

VALUATION AND TAXATION.

The attention of the people of the country is becoming aroused to the increase which has been going on, since the close of the civil war, in every branch of the public indebtedness; but the nature and extent of this increase are only partially apprehended, and its effect upon the productive industry of the country is but imperfectly understood. The following table shows the growth of state, county, and municipal indebtedness in Massachusetts, between the years 1865 and 1875 :—

Indebtedness.

	1865.	1870.	1875.
State, . . .	\$22,893,972 56	\$30,823,880 02	\$29,465,204 00
County, . . .	423,461 25	485,498 34	1,520,645 40
Municipal, . . .	19,852,109 21	31,571,268 29	80,427,245 00
Totals, . . .	\$43,169,543 02	\$62,880,146 65	\$111,413,094 40

Of the municipal indebtedness of 1875, \$65,426,341 belonged to cities and \$15,000,904 to towns.

We see here an increase in the total public indebtedness within the Commonwealth of \$68,243,551.38, or 158 per cent. on the indebtedness of 1865. In the meanwhile, the increase in our population and valuation has not kept pace with our expenses. In population, the gain was from 1,267,031 to 1,651,912,—a little more than 30 per cent. In valuation, the gain was from \$991,841,901 in 1865 to \$1,840,785,000 in 1875,—about 85½ per cent.,—an annual average of \$84,894,310. Only once since 1869 has this average been reached, namely, in 1872; which year appears to have been one representing a period of unprecedented public prosperity, every county in the Commonwealth advancing its valuation and contributing to a grand total of \$199,248,283,—considerably more than double the average annual gain of the decade. The falling off last year was so marked as to call for special notice. The gain in 1875 was only \$9,183,835, which was 13 per cent. on the value gained in 1874, and 11 per cent. on

the annual average during the ten years now under review, and less than 5 per cent. on the exceptional gain of 1872.

The figures thus laid before you show, further, that the important increase in our expenses has been in the counties, cities, and towns, rather than in the administration of the affairs of the Commonwealth. While the increase in the state debt from 1865 to 1875 was about 29 per cent., that in the county indebtedness for the same period was about 260 per cent., and that in the debts of the cities and towns was 305 per cent. It is evident, also, not only from the accumulation of debt in the towns and cities, but from the increase in local taxation, that the municipal expenses greatly exceed, and are out of all proportion to, those of the State. For example; the total tax for state, county, city, and town purposes, in 1872, was \$22,911,883; in 1875, it was \$27,709,848. In both these years the state annual tax was the same, namely, two million dollars; the increase in the levy, therefore, of 21 per cent., or four and three-quarters millions of dollars in three years, is altogether chargeable to local expenditures. This alarming tendency to excessive expenditures in towns and cities led to the enactment of a very sound and conservative measure, at the last session of the Legislature, for limiting and regulating municipal indebtedness, and I believe the influence of that Act has already been decidedly beneficial. Such careful examination of the subject as I am sure you will make, will lead you to determine whether any further legislation in the same direction is desirable. It is the duty of the Legislature and the Executive to scrutinize closely every proposition which involves the possibility of a draft upon the treasury of the State. At the same time, it cannot be too deeply impressed upon the people of the Commonwealth, that the responsibility for the increase in their taxes, and in the various forms of public indebtedness, rests mainly with themselves; and that their voice and vote, either directly, in town meeting, or in city councils selected by themselves, have decided upon and ordered the outlays which have been swelling the volume of annual expenditure to the extent here indicated. It is proper to add that the state of things revealed by this exhibit, in Massachusetts, is probably by no means an exceptional one in the country. If a similar analysis were made in other States, it would, no doubt,

show a condition of affairs equally surprising. It is with our own Commonwealth, however, that we are especially concerned to-day.

SAVINGS BANKS.

The returns of the savings banks for the last three years show a steady increase in the total amount on deposit; a slight gain in the deposits in 1875 over those made in 1874; and, notwithstanding the prevailing depression in our industries, a smaller amount withdrawn from these institutions in 1875 than in either of the two previous years. The official figures are as follows: In 1873 there were 175 savings banks, with a total of deposits of \$202,-195,343; in 1874, 179 banks, deposits, \$217,452,120; in 1875, 180 banks, deposits, \$238,396,584. The total amount deposited during the three years was: In 1873, \$58,846,558; in 1874, \$57,611,608; in 1875, \$59,930,-144. The withdrawals in each year were: In 1873, \$50,-458,340; in 1874, \$49,696,893; in 1875, \$46,996,036. You will no doubt see that the necessary legislation for protecting the interests of depositors, and of the public, in these institutions, exists, or shall be provided.

RAILROADS.

Notwithstanding the financial depression, thirty-eight miles of new railroad have been constructed within the State during the year. The average annual construction during the last forty years has been about fifty miles. During the year ended September 30, 1873,—the date of the financial crisis,—one hundred and thirty-one miles were constructed.

There has been during the last year a fortunate immunity from railroad accidents. Out of 42,035,846 passengers carried, not one has been killed by any cause not occasioned by his own carelessness, and only six have been in any way injured, and most of those but very slightly.

The doings and earnings of the railroads afford perhaps a good indication of the condition, whether prosperous or otherwise, of the business of the community. The last was the second railroad year since the financial collapse of September, 1873. During the first, the gross earnings of the railroads decreased only eight-tenths of one per cent., the falling off being wholly in receipts from freight,

while from passengers there was a distinct increase. The continued business depression has, however, during the last year, told more decidedly; for not only the volume of passenger traffic decreased 1.05 per cent., and that of freight 9.05 per cent., but this decreased amount of business has also been done at less profit than before; the decrease in passenger receipts being 2.07 per cent., and in freights 9.8 per cent. In both respects the falling off has been mainly on the through business, and this was most especially noticeable as respects freights. During the last year the railroads of this State, as a rule, did their through freighting business at a very low profit, and, in some cases, apparently, at a loss. The net profit on running freight trains, whether for through or local business, has been as low as six cents per mile, and has varied between that and forty-seven cents. As the average weight of a freight train is some three hundred tons, it will be seen that this is a small margin of profit.

The Board of Railroad Commissioners has prepared, and will submit with its forthcoming report, a measure in relation to railroads, which it deems of first-class importance, and which, if successful in this State, could hardly fail to exercise great influence on the country at large.

The books and accounts of the railroad corporations are now kept in various ways, and under independent and arbitrary rules, and the statements made up from them, and given to the public, are often incomplete and unintelligible, and sometimes, perhaps, are incorrect. The remedial measure recommended is based on the two principles of uniformity and publicity in accounts, and it is proposed that, hereafter, the books of all these corporations shall be kept on a uniform system, and under a supervision sufficiently public to insure strict compliance with the law.

In other respects the general laws now in force relating to railroads seem to be satisfactory, and rather to require to be left alone than to be further amended.

HOOSAC TUNNEL.

One of the largest enterprises in which the State is interested is the Hoosac Tunnel, and the Troy and Greenfield Railroad connecting therewith. It has been found of late years, also, to be one of the most difficult of manage-

ment—whether regarded in the light of a pecuniary investment, or of its utilization as an element in our system of internal improvements.

In stating the present condition of this enterprise, it will be necessary to remind you that the opening of the tunnel through the Hoosac mountain by no means finished the work necessary to render it available for use as a railroad line. For the purpose of completing what needed to be done on the railroad, and of inquiring into the business connections which could probably be entered into between this and various trunk lines, and of devising a scheme for its best utilization, the Legislature of 1874 passed an Act providing for the appointment by the Governor and Council of five persons, to be a body corporate for one year, from July 1, 1874, under the name of the "Boston, Hoosac Tunnel and Western Railroad Company"; and to them were given full powers of construction and administration. Their report, submitted to the Legislature in January last, will reward your careful perusal.

Simultaneously with the incorporation of this board, one million and a half of dollars were appropriated to be expended upon that part of the Troy and Greenfield Railroad lying west of Bardwell's Ferry, three hundred thousand dollars having been previously appropriated for constructing archways in defective portions of the eastern and central divisions of the tunnel. This latter sum was to be expended by the Governor and Council, by whom a contract was made (Nov. 19, 1874) for arching about two thousand feet of the tunnel, which, upon such general inspection as had then been made, was supposed to be all the arching that was required. The corporators, upon examination of the property placed in their charge, found the Troy and Greenfield Railroad "in an exceedingly unsatisfactory condition," due not only to defects in original construction, but to subsequent neglect, and they at once entered into contracts for the work of repair and reconstruction, which required its completion by the 1st of July, 1875; but I am informed that the work will probably not be completed before the end of the present year.

The Legislature of 1875 passed an Act placing the control of the property, after July 1, 1875, in the hands of the Governor and Council, and appropriated the sum of one million three hundred thousand dollars to be expended by them upon the work.

Four thousand feet of arching in the tunnel, in addition to the two thousand feet then in progress, were found to be necessary; and a contract for this additional work, or for such portion of it as can be completed at a cost not exceeding \$900,000, was made on the 9th of September last. It is agreed that the work of arching shall cease on the 30th of June, 1876. The Governor and Council also contracted, in September and October last, for rebuilding that part of the line lying between Bardwell's Ferry and Greenfield, and these contracts have a year to run from their date. The line between the tunnel and North Adams, including the little tunnel, was contracted for in February, 1875, and will be completed in the ensuing spring. The road between North Adams and the Vermont state line is nearly completed.

While it may be frankly admitted, that in the progress of this work during the last quarter of a century antedating the period to which I have thus far referred, there has no doubt been much mismanagement and much injudicious expenditure, it may yet be interesting and somewhat instructive to compare its cost with that of other public works of similar nature in other States and countries. The bridge over the Mississippi River at St. Louis, with its connecting tunnel under the city, together less than two and a half miles in length,—less than half the length of the Hoosac Tunnel,—is reported as having cost thirteen and a half millions of dollars, of which three and a half millions were absorbed by discounts, commissions, and interest on bonds. The Mont Cenis Tunnel was thirteen years in construction. Its length is about seven and a half miles, and its total cost was from twelve and a half to thirteen million dollars, gold value, with labor at about half the price paid for the Hoosac Tunnel work. On the acquisition of Savoy, France assumed one-half of this tunnel, agreeing to pay for it the sum of £1,287,000, to which was subsequently added a large sum as compensation to the contractors for completing the work several years before the expiration of the contract time. The half-interest of France in this tunnel must have cost upwards of seven millions of dollars, gold value. The St. Gothard Tunnel, which will have a length of about nine and a half miles, will cost, according to present estimates, about eleven and a half millions of dollars, gold value, with cheap European labor.

The amount of money and credit advanced by the State for the Troy and Greenfield Railroad to the 31st of December, 1875, was \$11,920,334.67; the interest paid on loans to the same date was \$3,203,628.99; total, \$15,123,963.66. The balance of legislative appropriations unexpended on the 31st of December, 1875, was \$1,414,162.82. The total cost of the railroad and tunnel, therefore, when all existing appropriations shall have been exhausted, will be \$16,538,126.48.

Looking to the future, so far as relates to the completion of the tunnel and of the Troy and Greenfield Railroad, no legislation seems to be called for at the present session, the work being all under contract, with the prospect of being faithfully performed. Nor will you now be asked by me to vote any further appropriations in aid of it. If I rightly interpret the feeling of the people, they hold the opinion very positively, that the State has gone as far as it ought to go in the expenditure of money on the tunnel line, and that it must cease to be a source of expense to the Commonwealth; until we have some new and convincing evidence to the contrary, I think we must all share in this conviction.

The important question still remains, however, In what manner and by what means shall this great public work be ultimately brought to serve the purposes for which the State has become interested in it at so large an outlay? This question has been carefully treated in the report of the corporators, before alluded to, and it is satisfactory to learn therefrom that the opinion which they had previously formed of what the tunnel line might be made to accomplish, and of the public advantages to be expected from it under a vigorous management, were much increased in the progress of their investigations. They take occasion to add, however, "We are, at the least, equally impressed with the extreme necessity of some early action which shall fix a policy under which it may be developed." After discussing quite elaborately four different plans, the corporators were unanimous and decided in recommending one by which the properties of the State should be consolidated with those of private connecting lines in mixed ownership, the whole to be taken in charge by a board of directors fairly representing the several constituencies, but retaining in the State a directing power equal to all the others.

The Legislature of 1875 appears not to have been ready to concur in the recommendation of the corporators, but adopted instead a plan for the continued possession by the State of the railroad and tunnel, with a view to holding them in trust, charging simply a moderate toll for their use. This is what is known as the toll-gate plan, and is embodied in the Act of March 30, 1875. While I may not rightly interpret the intention of the Legislature in this Act, yet an examination of the whole subject seems to indicate that the final question of a fixed policy of future management was practically, and perhaps intentionally, left open until the thorough completion of the line under the appropriations, with the apparent expectation that in the meanwhile further light would more plainly show the best course to be taken. This course may be a question for your determination.

The tunnel line, by existing legislation, is under the management of the Governor and Council, who employ a manager and subordinates in one or more departments, but who in reality operate the line. I respectfully submit to your consideration whether the executive branch of the state government can permanently manage the $4\frac{3}{4}$ miles of tunnel and forty miles of railroad which form only part of an undeveloped and disconnected line, in such manner as shall secure its success, and realize the just expectations of the people whose money has constructed it. The language of the corporators is very emphatic on this point. They say :—

“We hold it almost puerile to hope that the tunnel route can be developed in any such way as to justify its construction except through the agency of an energetic, concentrated, and wealthy management. In organizing such a management, it may be desirable to secure every guarantee of the use of the tunnel by weaker connecting roads; but it is none the less true that the business of the main through line can only be developed—as the people of the State have a right to expect it to be developed—through a management as vigorous as those with which it is forced either to contract or to contend.”

The idea of perpetual management by the executive department of the State, with its liability to further outlays to an unlimited extent, and to business complications more intricate than any that have arisen in the progress of construction, must, I think, enforce the effort to consolidate all the interests on this new route, or so many of them as may be prepared to enter into an equitable

arrangement for consolidation, in such manner and on such basis as may hereafter be mutually agreed upon under legislative sanction.

I have fewer misgivings than are sometimes expressed respecting the ultimate commercial success of the tunnel line, under proper organization and wise management. It is hardly to be supposed that a railroad property of this magnitude, lying between two great points of supply and consumption, and within the limits of the most densely populated State in the Union, will not sooner or later attract such connections as will command a ratable portion of business from present and from newly created sources. The steady growth of the country, and of its vast internal trade, makes a continually increasing demand upon the transportation capabilities of the continent; and the steady advance of the capital city of New England, both in its foreign commerce and in its domestic industries, holds out strong inducements to all the existing and projected lines which here converge, to multiply their facilities and to extend their connections to the utmost.

The tunnel route may be expected largely to create a traffic for itself, and will take its due share with others in the benefits of that revived and expanding prosperity which we anticipate for ourselves and for the country at large at no very distant day.

THE HARBOR COMMISSION.

Massachusetts is the only State which has as yet organized a board of commissioners, vested with general authority over the harbors and tide-waters within its territory.

The coast line of the State embraces an important section of the seaboard of the United States. It includes the port of Boston, which ranks among the foremost of those engaged in foreign and domestic commerce; Gloucester, which is unequalled in its fisheries; New Bedford, possessing our largest whaling fleet; and Provincetown harbor and Vineyard Haven, the two most valuable and most frequented harbors of refuge on the Atlantic coast. Besides these, there are thirty-three other ports which play important parts in the commercial progress of the country.

In order that improvements in these ports may not be delayed in awaiting the session and action of the Legisla-

ture, the State has delegated to the harbor commission its powers to grant licenses for all works and structures extending into these tide-waters; to give hearings to all parties, adjust differences, and prescribe the modes and conditions under which such structures shall be built. The Board has exercised these functions in nearly every harbor of the State, and has made surveys and accumulated other data relating to them which enable it to devise and carry out comprehensive projects of improvement.

In Boston harbor the commission has executed important work. Largely through its instrumentality, the reclamation of the South Boston flats is now fairly under way, and has received its constant supervision. This is the most important harbor improvement yet undertaken by the State. It provides not only for the creation of new territory suitable for railroad termini and first-class maritime purposes, but for the removal of the shoals from the main channel and the addition of several hundred acres to the anchorage of the upper harbor.

A comprehensive scheme for the improvement of the navigation of Charles River has been put in process of execution as a measure of compensation for grants to the Cambridge Improvement Company, which promises substantial harbor benefits.

Among the powers vested in the commission is that of authority to memorialize Congress on subjects of harbor and coast improvement. It has exercised this authority with success, and has been instrumental in obtaining large appropriations for dredging out channels, removing rocks, and protecting wasting headlands by the construction of extensive sea-walls.

SOUTH BOSTON FLATS.

The general management of the large extent of flats at South Boston belonging to the Commonwealth, was intrusted by the last Legislature to agents to be appointed by the Governor and Council. Three gentlemen were accordingly selected to assume this charge in August last, and they entered upon their duties in September. They have taken the proper measures to gather the information and obtain the engineering data necessary for laying before the Legislature a general plan of these lands.

It was provided by the 239th chapter of the Acts of 1875, that this plan should specify the portions of these

flats, which in the judgment of the agents, should be devoted to railway, commercial, and general purposes respectively. Such a duty will evidently require great consideration, and a careful study of many interests for its thorough performance.

I understand that these agents will soon call your attention to portions of the Act under which they serve, with a view to asking changes therein which they deem essential to the proper administration of their duties.

AGRICULTURE.

In surveying the manifold industries of the State, agriculture is so comparatively noiseless as to be liable to pass unnoticed, unless we are reminded by some special incident of its importance. Though not an agricultural State, in the common acceptance of the term, yet the statistics show that the farmers of Massachusetts raise more per acre, on an average, even of the staple crops, like corn and wheat, than do those of the great agricultural States of the Union. The annual yield of the farms of this State, according to the returns of 1865, was nearly eighty-two millions of dollars; and it is thought to be reasonably certain that since that date there has been a gradual increase in the form of small fruits, garden or market vegetables, and the dairies, though there may have been some decrease in the staple crops of the farms.

Experiments undertaken along the sea-shore, in diking and reclaiming extensive tracts of salt marshes, have proved so far satisfactory as to greatly increase the interest in this enterprise, and there is every prospect that thousands of acres of fertile lands will be added to the productive area of the State. Careful scientific investigations into the changes which take place in the soil of reclaimed marshes have been instituted under the direction of the State Board of Agriculture, which afford valuable information and aid to practical cultivators, and which are likely to stimulate to greater efforts in similar reclamations along our sea-coast. An interesting and valuable series of experiments has been instituted under the auspices of the Massachusetts Agricultural College, in promoting the growth of crops; and these experiments have excited a degree of interest and inquiry among the farmers, which is likely to lead to important results. The past year has been one of more

than usual prosperity to agricultural industry, and the courage and hopefulness among the farming community, we are told, present a strong contrast to the general depression in mercantile, manufacturing, and mechanical pursuits. The number of incorporated agricultural societies which receive bounty from the State, is thirty, and the amount of bounty received is about \$18,000. It is suggested that some changes in the methods of distributing this bounty could be made, by which the objects sought by the distribution would be likely to be further promoted.

CONSTITUTIONAL AMENDMENTS.

My immediate predecessor called the attention of the Legislature of last year to the amendment to our State Constitution, adopted in 1855, providing for the election by the people, of sheriffs, registers of probate, commissioners of insolvency, clerks of courts, and district attorneys, and recommended an inquiry respecting the expediency of repealing this amendment, and of returning, in the selection of these officials, to the original method of appointment. The Legislature, by the requisite majority in both branches, adopted resolutions in favor of repealing the amendment referred to, as far as relates to sheriffs, commissioners of insolvency, clerks of courts, and district attorneys. It will be necessary for you to confirm this action before the propositions thus to change the Constitution can be submitted to the people; and I would bespeak for the subject your favorable consideration.

SPECIAL LAWS.

Several years have elapsed since the last publication of the special laws of the Commonwealth was made, and I would suggest that the preparation of another volume during the present year be authorized and provided for.

REDISTRICTING THE STATE.

I remind you of the provisions of the Constitution which require the General Court, at the session next after the taking of a state census, to redistrict the State for councillors and senators, and to reapportion the number of representatives among the several counties. It will be

your duty, therefore, at the present session, to divide the Commonwealth into eight councillor districts of contiguous territory, each district to contain, as nearly as practicable, an equal number of inhabitants with the others; also into forty senatorial districts, each to contain, as nearly as possible, an equal number of legal voters with the others; and, further, to apportion the two hundred and forty seats in the House of Representatives among the several counties according to the relative number of voters in them.

THE MILITIA.

During the last year the militia was brought into unusual prominence on account of the centennial celebrations, in which it bore a conspicuous part, receiving encomiums from visiting strangers; and in no way, I believe, has its good reputation received injury. Especially was it commended by the general commanding the United States army, and other military officers of high rank, for its good appearance on the 17th of June, when, under special authority of the Legislature, the entire division was ordered to this city in performance of the annual duty required usually on the last Wednesday in May.

For details respecting the various tours of duty required by law during the year, and of special service performed at Springfield, South Deerfield, and Fall River under precept of civil authority, I refer you to the report of the Adjutant-General, about to be submitted.

No changes in the organization of the militia have occurred during the year. A number of applications to form new companies have been received, but have necessarily been refused, the statutes providing for the gradual reduction of the force to 5,000 officers and men; there are now on the rolls the names of 424 commissioned officers and 6,123 enlisted men.

Uniforms have been provided, under the appropriations of the Legislature of last year, at an expense of \$85,000, for that portion of the force which was not supplied in 1874.

The total expenditures for the militia, during the year past, have amounted to \$316,148.19.

No expenditures for uniforms will be needed the present year, except for repairs and to supply the losses made in one or two companies on account of fire in the armories, where by law the uniforms are required to be kept.

The great centennial celebration which is to take place at Philadelphia during the present year will doubtless attract thither portions, at least, of the militia of the different States of the Union; and it seems proper that the Legislature shall seasonably decide to what extent the militia of this State shall be represented.

I cannot forbear to call your attention to the large and increasing cost of this service, now amounting in gross, as will be seen, to about a thousand dollars for each secular day in the year, and to recommend inquiry into its necessity or expediency. The officers of administration appear to discharge their duties with competency and fidelity, and it may be necessary to examine the system itself to find the points of retrenchment.

An official statement shows the following expenditure during the last five years :—

In 1871,	. . .	\$205,721 32	
1872,	. . .	239,265 80	
1873,	. . .	183,209 53	
1874,	. . .	383,019 30	
1875,	. . .	316,148 19	
A total of	. . .	<hr/>	\$1,327,364 14

In this amount are included the following extraordinary expenses in the same period :—

1871.	Peabody Rifles, .	\$50,000 00	
	Reception of Russian Duke, .	5,000 00	
1872.	Troops at Boston fire, . .	49,990 04	
1873.	Uniforms, . .	14,844 50	
1874.	Uniforms, . .	196,734 46	
1875.	Uniforms, . .	85,000 00	
		<hr/>	401,569 00

Leaving as ordinary expenses for five years, \$925,795 14
and showing an average of \$185,159.03 per annum.

The total expenditures of 1875 were	. . .	\$316,148 19
Deduct extraordinary expenses (uniforms),		85,000 00

Leaving the current expense for the year, .	\$231,148 19
An excess over the average of 5 years of .	45,989 16

While Americans may profit by foreign example in all its successes in the arts of peace, it appears to be needless that we should do so in provision for war. Placed upon a continent by ourselves, apart from the frictions and complications of other nations or principalities with whom we might otherwise be involved in war, there seems at best but limited necessity that the national government even should maintain a large and highly disciplined army. And this exemption is still further suggested by the fact that we are not a nation seeking military conquests, for our domain is sufficiently ample to satisfy the most vaulting ambition, and we are but little exposed to possible invasion by armed forces. The country is at present full of veteran soldiers, prepared for any emergency that can immediately arise; and the study of military tactics, and their practice in schools and colleges as part of their teaching and discipline, will be constantly educating a new generation in the theory and practice of manœuvres. These, together with the trained officers of the army and navy who are professionally educated in the military schools at West Point and at Annapolis, ought largely to supply the skill in military art required in any necessity which the country is likely to meet. But whatever it may be expedient for the nation at large to do in the maintenance of a standing army, it seems hardly possible that the States, being sovereign only within the scope of their own constitutions, can in the nature of things need an expensive military force to sustain the civil authority beyond the duties and the power of the police, and to perform such other duties as appertain to the militia. While, therefore, it is right and expedient that such militia organization as the State maintains should be suitably equipped and otherwise provided for, it is for you to determine whether this can be satisfactorily accomplished by means which shall encourage the patriotism of those who render the service, and at the same time be less burdensome upon the public treasury.

The report of the Surgeon-General, which will be submitted to the General Court, describes the general operations of his department.

The computed sum collected for soldiers and their dependents approximates a million of dollars.

No estimate of the amount of work performed by this bureau can be made without an examination of its voluminous records.

In regard to the militia, some sanitary recommendations are made respecting the state encampment grounds, which are entitled to consideration.

BUREAU OF STATISTICS.

The sixth annual report of the Bureau of the Statistics of Labor (1875) contains in its introduction the following suggestions and recommendations: "If it is desirable to continue investigations regarding labor, commerce, the industrial, social, sanitary, and educational conditions of life in all respects, then the organic law under which the Bureau works should be broadened, and power adequate to its desired usefulness be given to it." The great utility of a department of statistics is readily comprehended, and the success of the decennial work of 1875 furnishes new evidence of the need of a thoroughly organized department.

The difficulty in our method in this State, at present, arises from the existence of so many offices, each seeking statistics of various kinds, and each making investigations of subjects often akin in nature and resulting in twofold work. I am led to believe that if the kindred work of several of these bureaus were consolidated into one general bureau of statistics, and put under one head, it would result in increased efficiency, and considerably diminish the expense as compared with that of separate organization.

STATE CHARITIES.

The charities of the State will merit your careful consideration. The methods of treatment of pauperism, lunacy, and crime—problems always intricate to solve—are complicated still more by the present depression of business and the scarcity of employment. The poor should be dealt with justly and liberally; but the interests of all most imperatively demand that no more aid should be given, nor for a longer period, than is actually necessary, lest imposture be fostered, efforts for self-support be weakened, and permanent pauperism ensue. It is therefore important that the administration of public charities should be committed, by the State and by municipalities, to discreet and experienced persons, whose official proceedings shall be open to scrutiny. Were this always done, no person in Massachusetts need suffer for

the necessities of life, except from his own neglect to ask relief. The Board of State Charities is expected to watch all the institutions of charity and reform, and to recommend all necessary and advisable changes. The numerous and difficult duties imposed by the statutes regulating charity and reform, are administered by departments, in which nearly all the power is legally vested, subject more or less to the negative of the Board.

For the details of the work of the year in these departments, the condition and needs of the institutions which the Board supervises, and its suggestions, I must refer you to its annual report, which will be duly transmitted, and which I am informed will recommend as a measure of economy and reform, the consolidation of its own bureaus.

Before leaving this subject, I must call your attention to the number of public buildings for charity, lunacy, or correction, now or lately in process of erection or enlargement, and to the large sums already appropriated for their construction. These are: the Lunatic Hospital at Worcester, the Lunatic Hospital at Danvers, the State Prison at Concord, the Woman's Prison at Sherborn, the State Reform School at Westborough, and the Lunatic Hospital at Taunton, the last alone being completed. The first four are to be entirely new structures, in new locations, and the Reform School is an enlargement. The contracts for these structures have been made, and the work upon most or all of them is so far advanced that they will probably be ready for occupancy during the present and the following year. The money thus far appropriated for them amounts to \$3,200,000, and if completed according to present designs, with the necessary equipment, some of them will require additional appropriations of considerable amount. Their cost will be nearly twice as much as the whole state tax of 1875, and I am told approximates the value of all the buildings of our present state institutions for similar purposes. The necessity for this great outlay, if not a surprise to the public, seems to imply the sudden flow into the State of a mass of insanity and crime which demands investigation, and its cause a remedy.

INSANITY.

The increase of insanity, and the best means of its prevention, and for the treatment and cure of those suffering from this painful affliction, are attracting a larger share of

public interest, and merit the most careful investigation and the most effective measures. It appears by the report of the special Commissioners of Lunacy, submitted to the Legislature in January last, that the number of insane persons in this Commonwealth now reaches nearly or quite four thousand; and that this malady is increasing in a ratio greater than that of our population by nearly twelve per cent., is shown by the statistics of the twenty years, from 1850 to 1870; this increase also is larger in the foreign element of our population than in the native born. Among the causes assigned for this increase in the former, are the change in climate, different habits of life, intemperate indulgences, disappointments, badly-ventilated tenements, and, in general, the influences which impair the health and fret the mind of the immigrant. Among the latter class are the educational pressure upon the young to the neglect of physical exercise, artificial and unnatural habits of living, the excitement and competition of business, and whatever causes multiply nervous diseases, especially those of the brain, which result in mental derangement. This may be only a partial enumeration; but we have the cheering assurance that the causes of insanity, though more complicated than those of some other diseases, can be understood and controlled; and that instead of being a necessary incident of true civilization, insanity proceeds from its artificial developments, and that it grows largely out of a violation of physical, mental, and moral laws. Among the measures suggested as preventive and remedial agencies, are the dissemination of popular information respecting the causes of insanity, by which the common people, and especially those who have hereditary or artificial tendencies thereto, may be put on their guard against it; a different classification of the insane in asylums and infirmaries, by which the different types of the malady shall as little as possible aggravate each other; that as few restraints shall be imposed upon patients as is consistent with safety; that greater freedom of communication with friends, and a closer guardianship of personal rights in commitment and discharge shall be instituted; and that some general and independent supervision shall be established by which local defects of administration may be remedied, information diffused, and something like uniformity secured upon plans which embody the best results of science and expe-

rience. I commend the whole subject to your careful and intelligent consideration.

WOMAN SUFFRAGE.

The active discussion during recent years, and especially in this country, respecting the political and social rights of disfranchised classes of men, resulting in the establishment of political equality, has extended also to the consideration of the corresponding rights of women, and has assumed such measure of public recognition as to demand the thoughtful attention both of students of social science and of legislators. That the enfranchisement of women would work a most important change in the structure of society, and introduce a radical and elemental force into the theory and practice of our politics, is instantly apparent. The argument in its favor is presented both on grounds of justice and of expediency, and is sustained by citing examples where partial trials have been made in some of the interior or frontier States of the Union, and by the competent service and salutary influence of women in public stations to which they have been elected without the suffrage of their own sex. It is perhaps natural that the majority of both sexes should still cling to the hope of the continuance of woman in that exalted sphere of domestic and social refinement where her influence has hitherto been more potential than numbers, and more coercive than law. There is also an excusable, if not a commendable, conservatism which moves slowly towards a change in the organism of society and of government, the measure of whose consequences cannot be fairly deduced in anticipation of actual experience. It is claimed by the friends of woman suffrage that something more than constructive representation is the right of all the subjects of taxation, and that therefore they should have the right to a voice at the polls, and that those who are eligible to hold particular offices should participate in the elections thereto. Under our State Constitution, male persons only, of full age, having certain other qualifications, are competent to vote for its legislative and executive officers; and the statutes and the decisions of the courts in regard to suffrage and eligibility to minor offices, for the most part accord with the constitutional restriction. It is claimed, however, that the first section of the second

article of the Federal Constitution, which provides that the President shall be voted for by electors chosen by the several States in such manner as their Legislatures may direct, affords an opportunity to enlarge the basis of suffrage without the violation of constitutional provision; and it is quite possible that application may be made to you for such legislation as shall include woman in that suffrage.

LIQUOR SELLING.

The last quarter of a century has been notable for the discussion of the subject of intemperance, and for the efforts to suppress this great vice by different forms of legislation. It is too late to render necessary any argument or demonstration of the evils of promiscuous dram-selling and drunkenness. These are well-nigh universally admitted, and to a degree that exhibits them as the greatest source of poverty, of crime, and of domestic unhappiness with which society is afflicted; so that it is not only the duty of the Legislature, but the interest of the people, to adopt such means and measures as shall diminish or extirpate the evils of intoxication. Moreover, this is not only a question of morals, but it has important relations also to the industrial and economic interest of the State. Nor would it be wise or true to conclude that public opinion has become more tolerant of the evils of drunkenness, in consequence of the comparative failure of past discussion and legislation to diminish them. The people of Massachusetts, by a large majority, are no doubt strongly in favor of the utmost suppression of intemperance; and it is the duty of the law-makers to adopt such measures as the well-being of society demands on this as on other subjects. The vital question, therefore, is narrowed down to means, rather than to objects of desire, or to questions of fact or of principle. It may be that some of the difficulty in dealing successfully with this subject hitherto has arisen from the neglect or indisposition to recognize this distinction in its discussion. There is often the greatest difficulty in preserving perfect harmony of relations between deductions from an abstract principle and the remedial agencies necessary to accomplish practical results; but this does not relieve the individual in society, nor the government, from dealing with crimes as positive and tangible evils, to be remedied by measures which are found to be most just,

most practicable, and most effective. After years of unsatisfactory trial of prohibitory legislation,—unsatisfactory according to the testimony of those who made and approved such laws, and who were intrusted with their execution,—the Legislature of last year passed an Act looking to the regulation of the sale of spirituous liquors, rather than to its entire prohibition; and the public desire seems to be that this law shall have a fair and impartial test before it is supplanted. If such a trial shall result in showing its greater effectiveness in suppressing intemperance, all good people will rejoice in that success; and if upon trial it shall prove a failure, that result may demonstrate the uselessness of license as a means of correcting this great public evil. The clamor of those who drag the destiny of this noble and beneficent virtue into the arena of party politics, and find no language in which to discuss it, but that of passionate appeal and personal villification, should neither dissuade nor intimidate its honest advocates from such a demonstrative trial of this law; because that form of discussion flows from individual characteristics which are inherent, and which find vent in indiscriminate denunciation of men and of measures. You may read in an annual address of one of my most recent and most conscientious predecessors, who was both the advocate and the executive of a prohibitory law, the following language.

Governor Washburn said in 1874: "Vehement and vituperative censure and condemnation, not only by laymen, but also by ministers of the gospel of peace, have been heaped upon the chief constable, the police commissioners, and the Executive, because the law is not thoroughly enforced. . . . Surely nothing short of Omnipotence could accomplish what has not unfrequently been demanded at his (the Executive's) hands." Still more recent examples will perhaps occur to you as evidence that this spirit has not yet wholly yielded to the admonitions of truth, the influences of Christian courtesy, nor to the decency which becomes good manners.

Moreover, I think it will be seen upon examination that the Act of last year was probably intended to be largely prohibitory in its provisions. In the first place, it expressly declares that nothing in it shall be so construed, as to require the mayor and aldermen of a city, or the selectmen of a town, to grant licenses. Every city and town, therefore, has the right and the opportunity secured

to it, to forbid altogether the sale of intoxicating liquors within its limits; and in this particular, and in others, the present law seems to involve the principles and measures which the most advanced temperance men in Great Britain are seeking to carry out in that country. Further, to those to whom licenses have been granted under this law, it is forbidden, under the penalties of forfeiture of license, fine, and imprisonment,—

1st. To sell intoxicating liquors between the hours of twelve at night and six in the morning, or during the Lord's day, excepting in the case of licensed innholders, who may supply guests in their houses;

2d. To sell liquor, except such as is of good standard, and free from adulteration;

3d. To sell or deliver liquor to a person known to be a drunkard, or to an intoxicated person, or to a minor;

4th. To allow any disorderly conduct, immorality, or gambling on the premises described in the license;

5th. To sell at a public bar.

The Act took effect on the first day of May last, and the issue of licenses under it commenced then, or four weeks later. It is less than eight months, therefore, since it went into actual operation. It had much to contend with, in the outset, from the comparatively unrestricted traffic in liquors for a long period, in the larger communities, and from the opposition of many in the trade, who believed that their profits would be diminished or destroyed by its limitations. It has had to be tested by the courts; its constitutionality has only lately been declared; and appeals which have been taken from convictions under it in the lower courts, have only in part been reached in the courts above. It is probably defective, perhaps contradictory, in some of its details, and undoubtedly it is capable of much improvement.

After somewhat diligent inquiry, I have not been able to obtain full and reliable information respecting its operation and probable effectiveness. A few weeks since, however, the Board of License Commissioners, established under this Act in the city of Boston, submitted its first report to the mayor and city council, covering a period of six months, from which the following is an extract:—

“The commissioners do not hesitate to say that, in their judgment, the law should be changed in many respects; and their observation leads them to believe that those changes would secure for it such a

degree of favor and respect, with dealers and with the public, as to lead eventually to a satisfactory result. Many of the provisions of the present law are salutary, and, when widely known and understood, will undoubtedly be availed of, as a protection to their business, by the parties most deeply interested. . . .

"We are satisfied, however, that under its operation something has been gained;—there is a *law* recognized, and to some reasonable extent enforced,—a law which, without doubt, has in its general principles the sympathy and support of a large and respectable class of the dealers in liquor, as well as of the community in general. There is likewise an acknowledged decrease in the sale of intoxicating liquors; for it is undeniable that the vigilant inspection maintained by the police has materially reduced the quantity sold, and that many persons have in consequence been compelled to abandon the business. The percentage may perhaps be relatively small, but it is a step forward in the right direction. An investigation and report from the chief of police shows that the number of places where liquor was sold was 3,090 in December, 1874, against 2,483 on the 17th of September, 1875."

The Mayor of Boston, in his Address to the City Council on Monday last, said:—

"The number of places in which spirituous liquor is sold in this city is less by nearly seven hundred than it was under the former system, and the number of arrests for drunkenness has been less by about twenty per cent. than it was in the same length of time last year."

I regard the testimony which thus reaches us from the chief city of the Commonwealth, as worthy of the most candid consideration. For it is well to remember that it always has been, and always will be, found most difficult to apply legislative restraint to this traffic, in the large centres of population, whatever the precise character of this restraint may be. On the other hand, in sparsely-settled and agricultural districts, almost any measure of repression approved by the more intelligent and virtuous citizens of the neighborhood, can be enforced. It is evident, then, that any law proposing to deal effectively with the liquor traffic, must be framed with special reference to the probable difficulties to be encountered by it in the cities, to which, it should also be remembered, population is tending more and more; and the practicability and efficiency of such a law in the Commonwealth, as a whole, must be measured by the possibility of its enforcement with greater or less success in the cities. If it prove a failure in them, the compensation afforded by its partial or complete success elsewhere will hardly be sufficient to justify it as wise and safe legislation for the entire Commonwealth.

Could all the friends of this reform agree to dismiss their prejudices in respect to names and titles, and unite upon some rational methods of discussion and effort, the result would no doubt be most efficacious, and conducive to the best good of society in this direction.

As the session advances, and further information reaches me from different parts of the State, I may have occasion to communicate again with the Legislature on this subject. The chief defect of the law of 1875, as it now stands, appears to be that it fails in the means of dealing promptly and energetically with those who persist in selling liquors without the required license. To enable the authorities to suppress the traffic which is carried on outside of the law, and in defiance of its provisions, it appears to be necessary that the right should be given them to enter upon the premises of suspected persons, and to seize such evidences of the illegal traffic as can be found, and to use the same against offenders in the courts, as is provided in Acts of 1869, chapter 415, section 44 and following, or some equivalent powers, with adaptations suited to the present case. Those who sell under license are liable to visitation from the officers of the law; and those who refuse to take out licenses, or to whom licenses have been refused, or from whom they have been withdrawn, should be, at least, equally subject to search and seizure. This would be only just to the licensed sellers; and it is necessary for the protection of those communities which decide that this traffic shall not be licensed at all within their limits.

It may also be found that additional judicial provisions are necessary for bringing to speedy trial the cases arising under this law.

EDUCATION.

No presentation of the subjects of primary interest to the people of Massachusetts would be complete that did not give prominence to the facilities afforded for the education of children and youth. Our system of free schools dates back to colonial times, and has been constantly and vigorously sustained, not only as an instrument of social progress, but as one of the bulwarks of liberty. A free State and popular education are so far correlative that the former is imperilled wherever the latter is neglected. The principles involved, and the objects to be sought, in a system of education, are strikingly presented in the language of our State Constitution, which says:—

"Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the University at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good-humor, and all social affections and generous sentiments among the people."

This comprehensive and exhaustive statement shows that the object of the education which the State shall foster is not simply the acquisition of knowledge, but also the development of character, and that these two combined shall be used in the development of society and in promoting the virtues and happiness of the community. To all that has heretofore been said in advocacy of our schools and colleges, and to all that has been written in commendation and healthy criticism of their merits and success, may be added new testimony from the results of the year just closed. The laws respecting the maintenance of schools of the different grades have generally been complied with, and a generous emulation exists among the towns and institutions for honorable precdence. The estimated sum of seven millions of dollars, raised by taxation, or from funds, or expended by private individuals, in educating more than three hundred and twenty thousand pupils in public and private schools, attest the universal concurrence in the value and necessity of this agency in sustaining the standard of civilization to which our citizens aspire. As the wants of the people multiply, and the means of supplying them and of superadding the objects of taste and luxury are increased, the arts and industries will be amplified and perfected, and fresh demands will be presented for greater skill in their productions. No branch of education is now receiving more attention, or rising faster in importance, than what is termed art-education; and there is none which has closer relation to the industrial prosperity of the State and to the wages of labor.

Drawing and art schools are the new features of education among all the progressive nations of Europe, and the increase in economic value of their technical products may be measured in good degree by the extent to which these agencies have been established.

If it be true, as the governments of the Old World seem to have concluded, that national supremacy will henceforth be determined less by the strength of arms than by their industrial success, the future of our own country will depend much upon our ability to meet the competition of the world. France furnishes a striking example in point. Profiting by the experience of England, which, fourteen years ago, had distanced her in material prosperity through the establishment of art-schools, France established similar institutions with even greater success; and in the application of the resulting taste and skill to her industry, may be found one of the main sources of that vast wealth which enabled her lately to assume, without injury to her credit, a national debt almost unequalled in magnitude, and, though defeated, to come out of costly and desolating wars with scarcely a shock to her prosperity, and scarcely a cloud upon the proverbial gayety of her people.

Massachusetts has taken the lead in this country in this department of education. In 1870, drawing, as a branch of study, was established in the public schools by legislative authority; but it was found, after brief experience, that to render it successful, a school for training teachers of drawing was a positive necessity,—a normal art-school for industrial drawing such as the most prosperous manufacturing countries in Europe had established; and, 1873, such a school was authorized and established on a scale scarcely more extensive than was necessary to try the experiment. The number of students at present in attendance exceeds three hundred; and during the three years since the school was opened, the total number who have received instruction is six hundred and seventy-nine, and yet nearly half as many more have been refused admission because of lack of room. I trust that at no distant day we may have a building, suitable in size and location for this institution, which seems to be one of the pressing necessities of the State, if we would retain the leadership in this important branch of education, and secure to our manifold industries the advantages which will flow from it.

The State Director of Art-Education says :—

“ In my opinion, as a student and thinker on this subject, the Massachusetts Normal Art-School, in a commodious building erected for the purpose, is essential to the existence of good industrial art in the State; and if so placed, would entirely change the character of the industries of the whole country. From it, as a fountain-head, would issue sound principles in design,—the agency for instruction in industrial art of every kind; and its influence would change by increasing the value of every piece of goods made in the mills of Massachusetts, and finally infuse taste into the handiwork of every mechanic in the United States.”

The “ School Question,” as it is termed, which is exciting interest, and disturbing the peace of some other States and localities, is substantially at rest here under the amendment to Article 18 of our State Constitution, which provides that,—

“ All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to and expended in no other schools than those which are conducted according to law under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools.”

A NEW SCIENTIFIC SURVEY OF THE STATE.

The American Academy of Arts and Sciences addressed a memorial to the Legislature of 1874, asking for a new and thorough scientific survey of the State. It is now more than forty years since Massachusetts began a survey of its territory, the results of which were published in a series of reports upon the geology, zoölogy, and botany of the State, with a map and geological chart.

The memorial of the Academy was referred to the Board of Education, to be considered and reported on at the next session. The Board reported favorably, and further memorials on the subject came to the Legislature last winter from the Essex Institute and the Boston Society of Natural History. A bill was reported by the Committee on Education, substantially in accordance with the views set forth by these learned societies, and passed one branch of the Legislature, but, for some reason, it failed to become a law. I would refer the whole subject to you for renewed consideration, and for such favorable action as the interest and importance attaching to it seem to require.

HENRY WILSON.

Standing in this place, so lately shrouded with the emblems of mourning for one of the most illustrious sons of Massachusetts, who was borne to his grave with national honors, and with every manifestation of public and private sorrow, it is not too late to prolong the tribute of affection and respect which is associated with the name of HENRY WILSON. His life was a true exemplification of American citizenship, and it will be a perpetual invitation to the youth of the country to follow that path of industry and rectitude which promises all to which their ambition can worthily aspire. No illustrious ancestry heralded his advent; no favoring fortune surrounded his childhood; no social auxiliaries strengthened the career of his early manhood. He was born brave; he loved the right and trusted in it, while he met the difficulties which beset him as the oak meets the storm, only to be more firmly rooted, and to spread its life more and more outward and upward.

He gave his strength to his country and to mankind. He fought manfully the battle of life, and, with more than Spartan celebrity, was borne upon his battered shield into the Capitol of the Nation, that he might die in the very sanctuary of Freedom. His spirit has joined the noble army of saints and martyrs in the heavens, and his name will live on earth in memories that are alike grateful and immortal.

Nor can you or I forget, that, even now, the earth is receiving to its bosom the remains of a past chief magistrate of the Commonwealth, who embodied in his character, and exemplified in his life, all that we recognize as highest and noblest in the name of Christian and scholar, statesman, gentleman, and friend.

THE CENTENNIAL EXHIBITION.

The most interesting event in America during the current year will undoubtedly be the great Exhibition of the products of the industry of all nations, at Philadelphia. In nothing is the progress of the world so measured and exemplified as in the development of the arts, and in the application of science thereto. And perhaps there is no moving tendency more salutary and effective than the commingling of different nationalities in the competition for supremacy in those material results which inure to the

wealth, the comfort, and the happiness of mankind. Such exhibitions as that in contemplation are known to have stimulated all kinds of industry in European countries; and, besides the benefit to be derived by our capitalists and workmen, it is worthy of a great and progressive nation that the centennial anniversary of its birth shall be commemorated by the triumphs of peace, rather than by the loud and fiery clangor of war.

Modern discoveries applied to the purposes of locomotion and electric communication have realized to us the common brotherhood of men, and the substantial unity of all nations, in the most comprehensive aspect of human interest. Mountains and oceans are now but ridges and ferries on the lines of communication, and the once measureless continent is but a ribbon of earth, over which the message flies with the velocity of thought. Nature has sufficiently diversified industry by the varied gifts of soil, climate, and mineral deposit, to make their culture, fabrication, and exchange the profitable employment of men. While each nationality has been for years, perhaps for a century, pursuing its own line of discovery and application, what can be more beneficial and more instructive than that all shall come together at last for an interchange of thought, as well as of merchandise; to rub off the asperities and jealousies which distance and separation engender, and to cultivate those friendly sentiments and that mutual esteem which may precede the beating of swords into ploughshares and of spears into pruning-hooks!

The response to the call of our national government to join in this international display has been so general, that we may expect one of the most valuable and important collections of the objects of utility and beauty that has ever been gathered. The Legislature of last year appropriated the sum of fifty thousand dollars for the purpose of "securing at the Exhibition at Philadelphia a due representation of the different arts, industries, and institutions of this Commonwealth"; and in pursuance thereof, the Governor and Council appointed three commissioners, or agents, to carry out the objects of the appropriation. This sum, perhaps, exhibits the extent to which the Legislature trusted in the pride and patriotism of the people of the Commonwealth, to enter by voluntary effort and contribution into such a representation as should be worthy

of their attainments and of their renown. The Commissioners above referred to have been assiduous in the use of the means placed at their command; and those appointed by the national government have also made encouraging progress in securing the coöperation of manufacturers, mechanics, and inventors, to prepare and forward specimens of their skill and handicraft.

The educational institutions of the State are preparing a thorough exhibit of their plan of operations, and I trust that the facilities for training the young for the service of life, by means of primary, high, normal, and industrial schools, academies, institutes, and colleges, will be completely represented. It is especially desired that the organization of Massachusetts as a State should be accurately reported upon at this time in her history; and I would urge upon the officers having charge of the various departments of her civil economy, to prepare the most thorough and elaborate illustrations of what the State has done and is doing, and the theory and plans upon which her efforts in this direction have been based.

I need hardly remind you, Senators and Representatives, that above and beyond the gathered industries of all nations and of every clime, there will be one suggestive and transcendent contribution to this grandest of Exhibitions,—one element which surpasses the inventor's cunning and the craftsman's skill, and which we gladly believe will survive when all the material monuments of human greatness have crumbled into dust or moulded into decay: it is the life of this Republic; new-born every hour in the affections of the American people,—strengthened and defended by increasing millions scattered over the acres of our vast domain, the inspiration of our patriotism,—let it be also the sustaining hope of freedom and progress throughout the world.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

BY HIS EXCELLENCY, WILLIAM GASTON, GOVERNOR.

[To the Senate and House of Representatives, January 5.]

It becomes my painful duty to announce to the Legislature the death of ex-Governor John H. Clifford, which occurred at New Bedford on the second day of the present month. The funeral service will be performed to-morrow.

I respectfully recommend the Legislature, by some appropriate action, to express their high appreciation of the great personal merit, and of the able and distinguished public service of that eminent citizen, their profound sense of the loss which the State and the country have sustained by his death, and their great respect for his character and memory.

BY HIS EXCELLENCY, WILLIAM GASTON, GOVERNOR.

[To the Senate and House of Representatives, January 5.]

I respectfully transmit herewith the generous offer made by the "Old South Society" to the Commonwealth, of the free use of their new meeting-house for the purposes therein mentioned.

[To the Senate, January 10.]

I have the mournful duty of communicating to the General Court tidings of the death of a distinguished citizen of Massachusetts, Dr. Samuel G. Howe of Boston, for nearly half a century connected most prominently with the charitable and educational institutions of the Commonwealth.

The services rendered by Dr. Howe to Massachusetts, to the United States, and to the whole world by his early, energetic and long continued labors to educate the blind

and the deaf, to reform the discipline of prisons, to instruct the idiotic and to ameliorate the condition of the insane, and of the unfortunate of all classes, merit the recognition which they have received in years past, and call for some public tribute to his memory, now that his long and noble career of philanthropy has closed.

At the time of his death he was still at the head of the Massachusetts Asylum for the Blind, of which he was the founder, and for more than forty years the Director. I am informed that his funeral rites will be performed there, in presence of the pupils whom his skill has instructed, and of whom, at his suggestion, this Commonwealth has long been the beneficent patron.

I leave to the wisdom of the General Court the adoption of such measures as may testify the sorrow which the people of Massachusetts feel at the death of a philanthropist so illustrious, and a public servant so faithful in his high vocation.

[To the House of Representatives, January 13.]

I have the honor herewith to transmit for the information and use of the General Court, the Annual Report for 1875 of the Surgeon-General of the Commonwealth; the Commissioners of Inland Fisheries; the Commissioners of Prisons; and the Chief Detective of the Commonwealth.

[To the Senate, January 24.]

I have the honor herewith to lay before the General Court the last Annual Report of the Trustees of the Massachusetts Agricultural College, and the Report of Pardons granted by the Governor and Council during the year 1875, left with me for transmission by my predecessor.

BY HIS EXCELLENCY, WILLIAM GASTON, GOVERNOR.

[To the Senate and House of Representatives, January 6.]

In compliance with the provisions of chapter 50 of the Resolves of 1860, I have the honor herewith to lay before the General Court, a report of the pardons issued by the Governor and Council during the year 1875, and to January 6, 1876. Of the eighty-four convicts thus set at liberty, eighty-two were pardoned in 1875; twenty-seven were in the state prison; fifty-four in houses of correction; two in workhouses; and one in jail. In twenty cases, sickness was the controlling reason for granting the pardon, and in six of these cases it has been ascertained that

death took place shortly after release. Four prisoners were pardoned on account of insanity.

No. 1. FRANK JUDGE. Convicted of assault and battery: Superior Court, Suffolk County, July term, 1874. Sentenced to one year and six months in house of correction. Pardon granted January 11, 1875, on petition of Hon. Hannibal Hamlin, Hon. Samuel F. Hersey, Hon. Charles W. Roberts, Hon. Charles Hamlin, Hon. William H. McCrillis, and many other prominent citizens of Bangor, Me. The prison physician also urged a pardon, and certified that the prisoner was in the last stages of consumption, and could not live many days. The prisoner was taken by his father to his home in Maine, where he died a short time after his removal.

No. 2. CHARLES CAMPBELL. Convicted of robbery: Superior Court, Suffolk County, October term, 1873. Sentenced to ten years in the state prison. Pardon granted January 14, 1875, on the recommendation of the warden, Councillor Whitney, who visited him, and the prison physician, who certified that he was in a very weak condition, and could not live many days. He died soon after leaving the prison.

No. 3. HERMAN F. ASHTON. Convicted of breaking and entering: Superior Court, Essex County, October 30, 1873. Sentenced to two years in the house of correction. Pardon granted January 27, 1875, for the reason that the prisoner had become insane, and had been transferred to the Taunton Lunatic Hospital. His uncle, Henry W. Payne, of Lynn, promised to receive and care for him.

No. 4. PERRY P. ELKINS. Convicted of larceny: Police Court, Lowell, May 22, 1874. Sentenced to house of correction for one year. Pardon granted January 28, 1875, on petition of the selectmen and prominent citizens of Thornton, N. H., where Elkins' family lived. It appeared that his father was an old man, more than seventy years of age, and his mother was totally blind, so that they were entirely dependent upon the prisoner for support. The prisoner had always borne a good moral character, and was considered an honest and industrious man. Pardon was recommended by the judge who imposed sentence, and by the city marshal of Lowell, who was the prosecuting officer. Hon. Tappan Wentworth, of Lowell, agreed to conduct him immediately to his former home in New Hampshire.

No. 5. WILLIAM P. STEINMAN. Convicted of setting fire to a house: Judge George M. Brooks, Trial Justice of Juvenile Offenders, Middlesex County, October 23, 1874. Sentenced to one year in the Cambridge workhouse. Pardon granted February 3, 1875, on the recommendation of Col. Gardiner Tufts, visiting agent of the board of state charities. It appeared that the prisoner was but eleven years old, and that he and another boy were playing with paper and matches. They put paper in the conductor of the house, and then set it on fire to see the smoke go out at the top. The offence was purely technical. The judge would not have committed the boy had he not misunderstood the mother to say that she wished him sent to the workhouse. The boy had a good home, where he would be properly cared for.

No. 6. MICHAEL CASEY. Convicted of breaking and entering: Judge George M. Brooks, Trial Justice of Juvenile Offenders, Middlesex County, June 26, 1874. Sentenced to one year in the Cambridge workhouse. Pardon granted February 4, 1875, on the recommendation of Col. Gardiner Tufts, visiting agent of the board of state charities, Judge Brooks, the mayor of Cambridge, and the keeper of the workhouse. It appeared that he had a respectable home, and had never before been guilty of any criminal offence.

No. 7. DENNIS FLYNN. Convicted of robbery: Superior Court, Suffolk County, July term, 1872. Sentenced to four years in the state prison. Pardon granted February 7, 1875, for the reason that the prisoner was in the last stages of consumption, and in the opinion of the prison physician, and of a member of the council who visited him, could live but a short time. He died shortly after his release.

No. 8. DANIEL KENNEALY. Convicted of assault: Superior Court, Suffolk County, January term, 1874. Sentenced to six months in the house of correction. Pardon granted February 17, 1875, on the certificate of the physician to the house of correction that "he is confined to his bed with consumption, and his only hope of prolonged life lies in a removal from the depressing influences of prison life." Councillor Couch, who visited the prisoner, concurred in the above opinion of the physician.

No. 9. **GEORGE CALDWELL.** Convicted of larceny: Superior Court, Suffolk County, November term, 1873. Sentenced to two years in house of correction. Pardon granted March 5, 1875, for the reason that the prosecuting officer testified that if at the time of the trial he had been in possession of facts which have since come to his knowledge, he should have moved either for a suspension of sentence or for a much shorter term. It also appeared that the prisoner's former employer, who was the only sufferer from his crime, asked for his pardon, and offered to employ him again.

No. 10. **THOMAS M. HILLMAN.** Convicted of adultery on two indictments: Superior Court, Dukes County, May 27, 1873. Sentenced to three years in Bristol County house of correction. Pardon granted March 12, 1875, on petition of Hon. Joseph T. Pease, Hon. Charles Bradley, Captain S. L. Norton, chairman county commissioners, C. B. Marchant, Esq., collector of customs, several ex-representatives, and many other prominent citizens of Dukes County. It was the opinion of the district attorney that Hillman had been sufficiently punished, and that his pardon would prejudice no public interest. It appeared that the prisoner was more than sixty years of age, had always borne a good character, and held positions of trust and honor. The prison physician certified that he was in feeble health, and could not be permanently better while confined in prison.

No. 11. **JOHN WHITE.** Convicted of larceny: Superior Court, Bristol County, June 13, 1873. Sentenced to two years in the house of correction. Pardon granted March 16, 1875, because the prison physician certified that the prisoner was sick and rapidly failing with consumption; that the chance of his living till the expiration of his sentence was not good. The district attorney suggested that "a summary exercise of executive clemency may be humane and consistent with the public interest." The prisoner's father took him to his home, where he would receive good care and nursing. He died about two months after his release.

No. 12. **WILLIAM WALKER.** Convicted of having in his possession counterfeit money, with intent to pass the same: Municipal Court, Boston, July term, 1851. Sentenced to three years in state prison. Pardon granted by the advice of attorney general, in accordance with prece-

dent, at the request of the district attorney of New York City and County, in order that he might be a competent witness against certain persons who had been indicted for forgery in New York. The object of the pardon was only to make him a competent witness; he had served out his sentence many years ago.

No. 13. HENRY W. FOLEY. Convicted of keeping a gaming nuisance: Superior Court, Suffolk County, December 18, 1874. Sentenced to six months in house of correction. Pardon granted on the petition of Hon. Hugh J. Toland, James J. Flynn, Esq., J. H. Bradley, Esq., J. W. Coveney, Esq., and others. It appeared that he was indicted upon evidence given by him in a case of assault that occurred on his premises, and thus an unusual if not an unfair advantage was taken of him. He was also indicted some weeks after he had abandoned the place and business. The assistant district attorney, who prosecuted the case, said that when he was called up for sentence he expected that a fine would be imposed upon him, instead of the unusual penalty (for a first offence) of imprisonment for six months. Numerous and influential friends of the prisoner promised to encourage him to lead a better life.

No. 14. FRANK H. ROGERS. Convicted of keeping a gaming nuisance: Superior Court, Suffolk County, December 18, 1874. Sentenced to six months in house of correction. Pardon granted on the petition of Hon. Hugh J. Toland, James J. Flynn, Esq., J. H. Bradley, Esq., J. W. Coveney, Esq., and others. It appeared that he was indicted upon evidence given by him in a case of assault that occurred on his premises, and thus an unusual if not an unfair advantage was taken of him. He was also indicted some weeks after he had abandoned the place and business. The assistant district attorney, who prosecuted the case, said that when he was called up for sentence, he expected that a fine would be imposed upon him, instead of the unusual penalty (for a first offence) of imprisonment for six months. Numerous and influential friends of the prisoner promised to encourage him to lead a better life.

No. 15. CARL O. ARMBERG. Convicted of larceny in a building: Superior Court, Plymouth County, February term, 1875. Sentenced to two years in house of correction. Pardon granted March 31, 1875, on petition of

Hon. Charles G. Davis, the clerk of courts, register of deeds, the sheriff and several deputies of Plymouth County, beside other well known citizens of Plymouth. It appeared that the prisoner was a Swede, and knew but little if anything of the English language. He did not comprehend the doings of the Court, was without counsel, the evidence on which he was convicted was very weak, and he would probably have been acquitted or have received a lighter sentence under other circumstances. He was at once given employment by F. Jones & Co., shoe manufacturers, of Plymouth.

No. 16. THOMAS MCGEE. Convicted of keeping a liquor nuisance: Superior Court, Bristol County, March 23, 1875. Sentenced to house of correction for three months. Pardon granted March 31, 1875, on the petition of Mayor Davenport, Judge Lapham, William Carroll, Milton Reed, Nicholas Hathaway, Esqrs., and other prominent citizens of Fall River, for the reason that the prisoner had abandoned the business of selling liquor more than a year previous to his conviction; the district attorney said that if the facts which had since been made known to him had been known at the time of the trial, he should not have moved for sentence. Pardoned on condition that the fine imposed and costs of prosecution were paid.

No. 17. THOMAS HALEY. Convicted of keeping a liquor nuisance: Superior Court, Bristol County, March 23, 1875. Sentenced to twenty days in house of correction. Pardon granted April 1, 1875, on petition of the mayor and several other prominent citizens of Fall River. The district attorney also recommended a pardon. The prisoner was seventy-seven years of age, in feeble health, had always borne a good character, and had given up the business of liquor-selling some time before his conviction. Pardoned on condition that the fine and costs of prosecution were paid.

No. 18. MICHAEL GLYNN. Convicted of larceny: Central District Court of Worcester County, March 18, 1874. Sentenced to six months in house of correction. Pardon granted April 3, 1875, because the prisoner was shown to be innocent of the offence with which he was charged. The judge who imposed sentence, the prosecuting officer, and the counsel for the complainant, all admitted a mistake, and desired that pardon should be granted.

No. 19. JAMES J. McGRATH. Convicted of assault and battery : Superior Court, Suffolk County, July term, 1874. Sentenced to one year and six months in house of correction. Pardon granted on the petition of Senator Hamlin, Hon. S. F. Hersey, General Charles W. Roberts, Hon. Charles Hamlin, Hon. W. H. McCrillis, and many other prominent citizens of Bangor, Me. It appeared from an affidavit by the foreman of the jury, that the jury intended to render a verdict of simple assault ; that the complainant was equally guilty with the prisoner, and that the assaults were mutual. The father of the prisoner died the day he was sentenced, and his family in Maine have since been entirely dependent upon him for support. His former employer promised to give him work again at once.

No. 20. HORATIO L. LINCOLN. Convicted of keeping a liquor nuisance : Superior Court, Bristol County, March 22, 1875. Sentenced to three months in house of correction. Pardon granted April 6, 1875, on the petition of Hon. John E. Sanford, Hon. E. H. Bennett, Dr. Henry B. Wheelwright, and several other prominent citizens of Taunton. It appeared that the prisoner had always borne a good character, was most respectably connected, his place of business was orderly and in no sense offensive, and he had never before been prosecuted for any offence under chapter 87 of General Statutes.

No. 21. FRANK MICOIT. Convicted of breaking and entering : Superior Court, Hampden County, May term, 1873. Sentenced to two years in house of correction. Pardon granted April 7, 1875, solely on account of the certificate of the master of house of correction, prison physician, and Dr. Bowles, of Springfield, that the prisoner was fatally ill from consumption, and that his death would ensue in a very short time. He had a father and mother at Windsor, Vt., whither he was taken. He died about three weeks after his release.

No. 22. DAVID HUNT. Convicted of forgery : Superior Court, Suffolk County, April 27, 1874. Sentenced to two years in house of correction. Pardon granted April 7, 1875, on the petition of thirty prominent citizens of East Boston, because it was shown that he was only technically guilty of the crime ; no one lost any money by the alleged forgery, no wrong was intended, and there was no concealment on the part of Hunt. The assistant dis-

trict attorney who prosecuted him, testified that a different disposition of the case might properly have been made, and the judge who imposed sentence advised a pardon.

No. 23. SAMUEL AND JULIUS ROSENFELD. Convicted of peddling without a license: Police Court, Lawrence, March 17, 1875. Sentenced to four months in house of correction. Pardon granted April 7, 1875. The prisoners were young boys, who plead guilty in ignorance of the law. It was clearly shown that they were innocent, and the judge who imposed sentence strongly urged a pardon, and admitted that a mistake had been made.

No. 24. PATRICK HIGGINS. Convicted of attempt to commit rape: Superior Court, Berkshire County, January term, 1873. Sentenced to four years in house of correction. Pardon granted April 15, 1875, on the petition of Senator Dawes, Hon. Joseph Tucker, Hon. E. H. Kellogg, Hon. Thomas F. Plunkett, James M. Barker, William H. Murray, E. M. Wood, Esqs., and many other prominent citizens of Pittsfield, for the reasons that the testimony upon which he was convicted was unreliable, the complainant had a bad reputation, and the general opinion that the prisoner, if guilty, had been sufficiently punished.

No. 25. MICHAEL FLAHERTY. Convicted of rape: Superior Court, Middlesex County, November 27, 1865. Sentenced for life to the state prison. Pardon granted April 15, 1875, on the petition of the selectmen of Hopkinton and many prominent citizens of Hopkinton and Milford. There was evidence that the prisoner was not the leader in the assault. At the time of the prisoner's trial, the court had no discretion in the matter of sentence. Under existing laws, he probably would not have received a longer sentence than the term already served. His conduct during imprisonment had been good, and he seemed to be thoroughly reformed.

No. 26. SIMEON H. HANDY. Convicted of breaking and entering, upon five indictments: Superior Court, Barnstable County, April term, 1866. Sentenced to thirteen years in state prison. Pardon granted April 21, 1875, upon petition of the Sheriff of Barnstable County, the selectmen and some twenty other prominent citizens of the town of Barnstable. The prisoner's conduct during imprisonment had been so good as to earn for him

nearly two years' deduction from his sentence, which was regarded as unusually severe. The district attorney stated that he considered the pardon entirely consistent with the public interest. The members of the pardon committee visited the prisoner, and found him suffering with hemorrhage of the lungs, resulting from his long confinement.

NO. 27. FRANK H. MORRELL. Convicted of robbery: Superior Court, Franklin County, March 25, 1869. Sentenced to ten years in the state prison. Pardon granted April 21, 1875, upon the petition of Judge Aiken, Hon. Wendell T. Davis, Dr. A. C. Deane, and other leading citizens of Greenfield, recommended by the judge who sentenced him, the person who suffered from his crime, and strongly urged by the district attorney who prosecuted him. His partner in the crime had been pardoned, and the prisoner's sentence was regarded as extremely severe, and would now probably be lighter for the same offence.

NO. 28. SAMUEL RAY. Convicted of adultery: Superior Court, Middlesex County, July 17, 1874. Sentenced to eighteen months in house of correction. Pardon granted April 29, 1875. It appeared that the prisoner and his wife had not lived together for several years; that he supposed that she had married again; and that he, in ignorance of the law, thought he could do likewise. Prisoner had always borne an excellent reputation, and his pardon was strongly urged by all who were familiar with the peculiarly mitigating circumstances.

NO. 29. THOMAS FINN. Convicted of assault and robbery: Superior Court, Suffolk County, October term, 1872. Sentenced to state prison for eight years. Pardon granted April 30, 1875, on the certificate of prison physician that the prisoner was in the last stages of consumption, and could not live many days. The father of the prisoner took him to his home, where he died soon after his release.

NO. 30. CHARLES A. TRASK. Convicted of assault and battery: Lawrence Police Court, March 18, 1875. Sentenced to six months in the house of correction. Pardon granted May 5, 1875, on the petition of the party assaulted, recommended by the judge who sentenced the prisoner. It appeared in evidence that no one was injured

by the alleged assault. His former employer promised to give him permanent employment.

No. 31. JOSEPH WEST. Convicted of breaking and entering, with intent to steal: Superior Court, Essex County, October 13, 1874. Sentenced to two years in state prison. Pardon granted May 12, 1875, on account of the prisoner's insanity, as certified by the superintendent of the Worcester Lunatic Hospital, and the general agent of the board of state charities, who will deliver him to the commissioners of emigration, for removal to Ward's Island Hospital in New York, where he properly belongs.

No. 32. WILLIE CLARK. Convicted of arson on two indictments: Superior Court, Berkshire County, July term, 1870. Sentenced to thirteen years in the state prison. Pardon granted May 13, 1875, on the petition of Hon. Julius Rockwell, John F. Arnold, Oliver Arnold, Jas. T. Robinson, Harvey Arnold, Edward R. Tinker, Sylvander Johnson, S. Blackinton, G. L. Rice, W. H. Phillips, and many other leading citizens of Berkshire County. It was proved to the satisfaction of the Council that the prisoner, who was but sixteen years of age, was instigated to commit the crime by a party who sought and obtained a reward that had been offered for the detection of incendiaries. Public sentiment was strongly in favor of his pardon, which was recommended by the district attorney, and by the persons who suffered by his crime.

No. 33. GEORGE B. COLGROVE. Convicted of polygamy and breaking jail: Superior Court, Hampden County, December 26, 1872. Sentenced to three years and six months in the house of correction. Pardon granted May 13, 1875, on the petition of the sheriff, county commissioners, judge of probate, clerk of courts, and other officials of Hampden County, with the concurrence of the district attorney. The prison physician certified that the prisoner's health was much impaired, and further confinement might prove fatal. He had already served out the sentence for his principal offence. The other offence was trivial, and the sentence unusually severe.

No. 34. FRANCIS FITZPATRICK. Convicted of gaming: Superior Court, Suffolk County, November term, 1874. Sentenced to the house of correction at East Cambridge for eight months. Pardon granted May 14, 1875, on the petition of Hon. W. A. Simmons, Mayor Bradford, of

Cambridge, Hon. Ezra Parmenter, Hon. A. J. Bailey, Hon. T. J. Dacey, Hon. Francis W. Jacobs, and others, for the reason that the officer who prosecuted him testified that the case would have been laid "on file" but for reports, which proved to be false, that he continued gaming. It appeared at the hearing that the prisoner's mother had suffered a fracture of the thigh, causing incurable lameness, that his only child had died during his imprisonment, and that he was much needed at home.

No. 35. ALBERT HERENDEN. Convicted of larceny: Edward J. Jones, Esq., Trial Justice of Juvenile Offenders, Suffolk County, January 24, 1875. Sentenced to the house of correction for one year. Pardon granted May 14, 1875, with the condition that he should be confined to the state reform school for as long a time as he was sentenced to the house of correction.. The trustees of the state reform school, the superintendent thereof, and the visiting agent of the board of state charities desired his pardon for the purpose of returning him to the reform school, where he had spent some three months, and from which, as they now think, he had been too soon discharged. Prisoner was but fifteen years of age, and the reform school seemed to the council a more suitable place of confinement than the house of correction.

No. 36. ANDREW EAGAN. Convicted of manslaughter: Superior Court, Suffolk County, August term, 1873. Sentenced to state prison for three years. Pardon granted May 20, 1875, on the petition of the legislative committee on prisons, and of twenty-three members of the Senate. The evidence showed that the prisoner had always been a quiet, inoffensive man, who committed the crime when under the influence of liquor, and without malice. The prison physician certified that the prisoner was suffering from a disease requiring a surgical operation in order to save his life, and that the operation could not safely be performed in the prison. He had friends who received him, and who would give him proper care, and furnish him employment when he became able to labor.

No. 37. CALVIN H. WATSON. Convicted of horse-stealing: Superior Court, Hampden County, May term, 1874. Sentenced to two years in the house of correction. Pardon granted May 26, 1875, on the petition of Hon. Edw. B. Gillett, Rev. Dr. Buckingham, Rev. Messrs. Mayo, Merrill, Reed, Potter and Meredith, Hon. Eliphalet

Trask, Hon. Henry Fuller, Judge Shurtleff, and many other prominent citizens of Hampden County, recommended by District Attorney Lathrop, and by ex-District Attorney Stearns. There was evidence, discovered since the trial, that Watson was innocent of the crime, and the prosecuting officer admitted that the testimony upon which he was convicted was very weak.

No. 38. TIMOTHY CALAHAN. Convicted of assault and battery : Charlestown Municipal Court, May 3, 1875. Sentenced to house of correction for non-payment of fine and costs. Pardon granted May 26, 1875, on the recommendation of the judge who sentenced him. It appeared that he had a wife and four young children dependent upon him for support, and that his wife, whom he assaulted very lightly, did not complain of him, and desired his release.

No. 39. ALEXANDER LIBOURNEAU. Convicted of assault and battery : Central District Court of Worcester County, October 22, 1874. Sentenced to one year in the house of correction. Pardon granted May 27, 1875, on the statement of the judge who sentenced him, that facts had come to his knowledge since the prisoner's trial, which, had he then known, would have caused him to impose a much lighter sentence than he did.

No. 40. WILLIAM E. COOK. Convicted of assault with intent to kill : Superior Court, Berkshire County, January 25, 1873. Sentenced to the house of correction for four years. Pardon granted June 2, 1875, on the recommendation of the sheriff, the party assaulted, and the district attorney, for the reasons that the prisoner had entirely reformed ; that an invalid mother and aged grandmother were dependent upon him for support.

No. 41. THOMAS H. RIDGELEY. Convicted of breaking and entering : Superior Court, Suffolk County, October term, 1873. Sentenced to the state prison for three years. Pardon granted June 2, 1875, on the petition of Right Rev. Bishop Morris, Rev. Messrs. Matlock, Newton, and other influential citizens of Philadelphia. Satisfactory evidence was furnished to the council that the prisoner was more unfortunate than criminal, by reason of his taste for intoxicating liquors, of which he had been thoroughly cured. He was restored to his family, who occupy a high social position in Philadelphia, and will surround him with every encouragement.

No. 42. JOHN M. DUNN. Convicted of forgery : Superior Court, Suffolk County, October term, 1870. Sentenced to state prison for five years. Pardon granted June 2, 1875, on the petition of Chief of Police Savage, ex-Mayor Wightman, Thomas Hills, George P. Baldwin, Edward J. Jones, Esqs., Messrs. Wm. Read & Sons, Newell Harding & Co., and other citizens and firms of Boston, for the following reasons : His former excellent character and valuable service while on the Boston police force ; his impaired health ; and his uniform good conduct in prison, whereby he had earned such deductions that his term of service would have expired June 30th. His sentence would have expired in less than one month.

No. 43. CHARLES H. AVERY. Convicted of rape : Superior Court, Middlesex County, April term, 1871. Sentenced to ten years in the state prison. Pardon granted June 9, 1875, on the petition of the prisoner, recommended by ex-Governor Banks, for the reason that the council were satisfied, from evidence presented to them, that the prisoner was not guilty of rape, but of adultery, for which he had received sufficient punishment.

No. 44. EDWARD PRATT. Convicted of gaming : Superior Court, Suffolk County, November term, 1874. Sentenced to eight months in the house of correction. Pardon granted June 9, 1875, on the petition of Dr. Adino B. Hall, Benj. T. Church, R. F. Yeaton, E. H. Brabrook, and other citizens of Boston. It appeared by the evidence of the assistant district attorney, who conducted the prosecution, that the case against the prisoner had been placed on file, upon restitution of the money and payment of the costs ; the prisoner was called for sentence on information that he was implicated in another crime, which had since been proved to be false, and therefore he should not have received sentence.

No. 45. JAMES T. WHEELER. Convicted of embezzlement : Superior Court, Suffolk County, March term, 1874. Sentenced to two years in the house of correction. Pardon granted June 10, 1875, on the petition of James Power, Edward J. Jones, Joseph H. Allen, Thomas Gogin, Esqs., and other citizens of Boston, for the following reasons : That his former reputation was excellent ; that his conduct while in prison had been uniformly good ; that his thorough reformation seemed to have been accomplished ; and that he would be surrounded by influential

friends who would give him employment and encouragement.

No. 46. JAMES H. TAYLOR. Convicted of forgery: Superior Court, Suffolk County, January term, 1874. Sentenced to two years in the house of correction. Pardon granted June 11, 1875, on the petition of his partners in business who suffered by his crime, Rev. E. Edmands, George B. Brown, Marshall Gordon, Arthur Taylor, and other citizens of Boston. His partners, who made the complaint, understood that he would receive sentence for but one of the offences for which he was convicted. They furnished satisfactory evidence of his reform, and expressed their desire to restore him to his former situation in their business.

No. 47. WILLIAM H. AUSTIN. Convicted of adultery: Superior Court, Worcester County, October 27, 1874. Sentenced to eighteen months in the house of correction. Pardon granted June 22, 1875. It was shown to the council that his wife (who had left him) had been guilty of repeated acts of adultery during a period of several years; a fact that could not be proved at the trial, on account of the absence of the witnesses, otherwise the fact would have been used in mitigation of his sentence. The district attorney certified that the crime was not committed under circumstances to create public scandal; that the prisoner was confined in jail over two months awaiting trial; and that, in his judgment, the interests of justice did not require his further detention in prison.

No. 48. M. HENRY KENNEY. Convicted of breaking and entering: Superior Court, Middlesex County, July 8, 1874. Sentenced to eighteen months in house of correction. Pardon granted June 22, 1875, on the petition of the selectmen, Dr. S. O. Richardson, Daniel Allen, Lucius Beebe, and other prominent citizens of Waketfield, and strongly urged by the district attorney who prosecuted him. It appeared that at the time of his conviction Kenney was but sixteen years of age, and had previously borne a good character. He was convicted on the testimony of another boy, who was the leader in the crime, and who had since been guilty of larceny, and had absconded. Immediate employment was given to the prisoner in the shop where his father worked.

No. 49. JOHN H. SULLIVAN. Convicted of assault and battery: Municipal Court, Charlestown District,

Boston, April 10, 1875. Sentenced to six months in the house of correction. Pardon granted June 22, 1875, on the petition of E. T. Swift, J. H. Cotton, Daniel Williams, and other citizens of Boston, recommended by the judge who sentenced him. The prisoner's wife, who made the complaint, testified that the assault was not severe, and that the prisoner had always before been kind to her. The prisoner's family are in a very destitute condition, and entirely dependent upon him for support. Work was given him immediately upon his release.

No. 50. AUGUSTINE DIAZ. Convicted of larceny: First District Court, Essex County, October 5, 1875. Sentenced to one year in the house of correction. Pardon granted June 22, 1875, on the petition of Gen. William Cogswell, William D. Northend, Charles S. Osgood, Stephen B. Ives, Jr., J. C. Perkins, N. J. Holden, and seventy other respectable citizens of Salem. The city marshal, clerk of the courts, and other officials joined in the petition, and the judge who sentenced the prisoner strongly favored a pardon. The prisoner was a young Cuban boy, ignorant of our language and laws. He had friends who promised to give him steady employment.

No. 51. HENRY MOORE. Convicted of drunkenness: Municipal Court, Boston, June 5, 1875. Sentenced to two months in the house of industry. Pardon granted July 1, 1875, because satisfactory evidence was furnished to the council that the prisoner was not an habitual drunkard, but a steady, hard-working man. His family were very destitute, and greatly needed his assistance.

No. 52. HENRY C. EDGERLY. Convicted of larceny in a building: Superior Court, Suffolk County, February term, 1873. Sentenced to five years in the state prison. Pardon granted July 2, 1875, on the petition of Senators Dacey, Wiley, Flatley and Toland, and Representatives Fitz Gerald, Hughes, Sweeney, Coveney, and other citizens of Boston. Most of the property stolen by the prisoner was restored, and the party who made the complaint strongly urged his pardon. He had no counsel at his trial, otherwise his sentence would probably have been lighter; his conduct in prison had uniformly been good. He went, upon his release, to California, where work had been procured for him.

No. 53. THOMAS SPENCER. Convicted of larceny on two complaints: Central District Court, Worcester

County, September 26, 1874. Sentenced to one year in the house of correction. Pardon granted July 2, 1875, because (1) it was strongly urged by the judge who sentenced him; (2) his term had nearly expired; (3) his family were in a state of abject poverty, and required his assistance.

No. 54. JOHN ANDERSON. Convicted of burning a building: Superior Court, Middlesex County, April 14, 1871. Sentenced to five years in the house of correction. Pardon granted July 2, 1875, on the petition of the selectmen, S. F. Twitchell, Curtis Howe, A. Richardson, Willard Howe, and other citizens of Framingham. The owners of the building burned joined in the petition. The council were satisfied that the evidence upon which the prisoner was convicted was very weak. Previous to his arrest for the crime, the prisoner had always borne an excellent reputation, and had since constantly asserted his innocence. Public opinion, where the crime was committed, was strongly favorable to him. He had friends who would give him immediate employment.

No. 55. RICHARD McKEY. Convicted of drunkenness: District Court of East Norfolk, June 5, 1875. Sentenced to three months in the house of correction. Pardon granted July 21, 1875, on the petition of ex-Chief Justice Bigelow, R. B. Forbes, Samuel Babcock, R. B. Forbes, Jr., and other prominent residents of Milton and vicinity. The prisoner's wife, who had most cause to complain, objected to proceedings against him, and desired his release. His family were very destitute, and needed the avails of his labor for their sustenance. His employers, who were men of the highest respectability, stood ready to give him constant work, and to encourage him to lead a correct life.

No. 56. CHARLES M. HARGOOD. Convicted of adultery: Superior Court, Suffolk County, June 29, 1874. Sentenced to eighteen months in the house of correction. Pardon granted July 22, 1875, on the petition of Hargood, Farrar & Co., Johnson, Moody & Co., C. & M. Cox, Woonsocket Rubber Company, Pierce, Dana & Co., Mann, Bowers & Sawyer, Winch Brothers, and about one hundred other business firms and citizens of Boston. His pardon was also strongly urged by his wife, who had been the greatest sufferer by his crime, and by her friends and counsel who had joined in his prosecution. His former

business partners desired to restore him to his old place in their concern. He had been already severely punished, and there was satisfactory evidence that he had sincerely repented and reformed.

No. 57. CHARLES A. ROSNELL. Convicted of indecent assault: Superior Court, Worcester County, May 22, 1874. Sentenced to three years in the house of correction. Pardon granted July 30, 1875, on the recommendation of the district attorney. Since the prisoner's trial, facts had come to light gravely affecting the credibility of the witness upon whose testimony Rosnell was convicted, rendering it probable that he was innocent of the crime. There was also evidence that the prisoner was in such a physical condition that he could not long endure imprisonment.

No. 58. FRANCIS DEVLIN and JOHN WELCH. Convicted of arson: Superior Court, Middlesex County, November 26, 1867. Sentenced to state prison for life. Pardon granted August 5, 1875, on the petition of H. W. Jordan, B. F. Ricker, Life Baldwin, P. Moley, and other prominent citizens of Brighton. At the time of their conviction, both the prisoners were boys under seventeen years of age. They had been in prison nearly eight years. Under existing laws, boys of that age would probably be sentenced during their minority to the state reform school, and for the same offence men are sentenced for "any term of years." Both the district attorney and the attorney of the town of Brighton favored the pardon. The conduct of the prisoners during their confinement had been excellent.

No. 59. EDWARD CARROLL. Convicted of larceny from the person: Superior Court, Suffolk County, March term, 1873. Sentenced to three years and six months in the house of correction. Pardon granted August 10, 1875, on the petition of Otis Pettee, J. Willard Rice, Julius L. Clarke, Isaac F. Kingsbury, Lucius G. Pratt, and other well-known citizens of Newton. Satisfactory evidence was presented to the council that the larceny was of an amount smaller than alleged; that it was not from "the person"; and that it was doubtful whether Carroll committed the offence. The district attorney, who prosecuted him, favored his pardon.

No. 60. ORLANDO C. BROWN. Convicted of forgery: Superior Court, Suffolk County, October term, 1871.

Sentenced to sixteen years in the state prison. Pardon granted August 13, 1875, because abundant evidence was presented to the council that the prisoner did not belong to the criminal class, but committed the several offences while under the influence of liquor, and that the principal witness against him was his sworn enemy. His sentence was generally regarded as unduly severe, and the council were satisfied that he had been sufficiently punished, and was thoroughly reformed.

No. 61. JOHN SMITH. Convicted of keeping dogs without a license: Municipal Court of the Highland District, Boston, July 26, 1875. Sentenced to pay a fine of \$45, and committed to jail until the sentence was complied with. Pardon granted September 1, 1875, for the reason that the judge who sentenced him certified that he did so under a misapprehension of the facts in the case, and asked that the prisoner might be pardoned.

No. 62. CHARLES LAMONT. Convicted of drunkenness: First District Court of Eastern Worcester, August 11, 1875. Sentenced to two months in the house of correction. Pardon granted September 9, 1875, on the petition of more than twenty of the leading citizens of Westborough, for the reason that the justice who sentenced him testified that it was done under a misapprehension of the law, and asked for his release.

No. 63. GEORGE E. SMITH. Convicted of larceny: Third District Court of Bristol County, July 24, 1875. Sentenced to six months in the house of correction. Pardon granted September 15, 1875, on the petition of more than fifty respectable citizens of New Bedford. The justice who tried the prisoner certified that he was in possession of facts relating to the case which led him to doubt whether Smith was guilty of the alleged offence, and to believe that he was the victim of a conspiracy. The council were satisfied that he was wrongfully convicted.

No. 64. JAMES F. MATHEWS. Convicted on two indictments of keeping a liquor nuisance: Superior Court, Bristol County, March 23, 1875. Sentenced to the house of correction for one year. Pardon granted October 1, 1875, on the petition of Representatives Giles G. Barker, Frederick P. Shaw, Charles R. Tucker, Jr., and Charles M. Peirce, Jr., besides about fifty other prominent citizens of New Bedford, on account of the impaired health

of the prisoner, and because the sentence seemed unduly severe. The prisoner had paid fines and costs amounting to over \$200.

No. 65. MICHAEL RILEY. Convicted of disturbing the peace: Somerville Police Court, May 4, 1875. Sentenced to six months in the house of correction. Pardon granted October 1, 1875, because of the very destitute condition of the prisoner's family and evidence of his thorough reformation. The justice who sentenced the prisoner recommended his pardon.

No. 66. MOSES F. WHEELER. Convicted of arson: Superior Court, Middlesex County, February 21, 1868. Sentenced to state prison for life. Pardon granted November 5, 1875, because satisfactory evidence was furnished to the council that Wheeler was convicted upon false testimony, and was innocent of the crime.

No. 67. WILLIAM H. ORNE. Convicted of arson: Superior Court, Middlesex County, November term, 1866. Sentenced to the state prison for life. Pardon granted November 5, 1875, on the petition of ex-Mayors Kent and Hull, Messrs. Caleb Rand, George B. Neal, George R. Kelso, Moses A. Dow, William B. Long, Charles Robinson, Jr., Louis E. Pearson, Everett Torrey, Francis Thompson, Erdix T. Swift, and other prominent citizens of the Charlestown District, recommended by the district attorney. Satisfactory evidence was presented to the council that Orne was the victim of the principal in the crime, who had already been pardoned. He had already served out a longer sentence than would have been imposed under existing laws, and seemed to be thoroughly reformed.

No. 68. JOHN WILLIAMS. Convicted of larceny from the person: Superior Court, Suffolk County, September term, 1875. Sentenced to the house of correction for eight months. Pardon granted November 13, 1875, on the petition of Hon. T. J. Dacey, William Taylor, James O. Fallon, Henry Splaine, M. D. Collins, and other citizens of Boston, at the request of the district attorney, who certified that the case should have been placed on file.

No. 69. BENJAMIN CARSON. Convicted of receiving stolen goods, and of assault and battery: Superior Court, Suffolk County, January term, 1874. Sentenced to two years and six months in the house of correction. Pardon

granted November 13, 1875, solely because the prison physician certified that the prisoner was in the last stages of consumption, and that there was no hope of his living until the end of his term, but that his life might be prolonged a little by the care of his friends.

No. 70. WILLIAM H. DOWNHURST. Convicted of adultery: Superior Court, Worcester County, August term, 1874. Sentenced to two years in the house of correction. Pardon granted November 19, 1875, on the petition of the county commissioners of Worcester County, and Mayor Blood, S. A. Webber, Alpheus P. Kimball, Joseph Waterhouse, and other prominent citizens of Fitchburg. The district attorney strongly recommended a pardon; the prisoner's former employers received him, and gave him permanent work. The council were of the opinion that inasmuch as there was no public scandal about the case, the sentence was too severe.

No. 71. DANIEL YOUNG. Convicted of perjury: Superior Court, Suffolk County, May term, 1875. Sentenced to one year in the state prison. Pardon granted November 23, 1875. The case was simply a dispute between debtor and creditor, in which the prisoner overstated his account. He pleaded guilty under a misapprehension of the law, so that there was no investigation, except before the grand jury, and the council were satisfied that if the prisoner had been tried he would not have been convicted. The district attorney considered the case a weak one, and there was a strong presumption of the prisoner's innocence.

No. 72. JOHN CONNELL, *alias* JOHN RYAN. Convicted of breaking and entering: Superior Court, Suffolk County, September term, 1874. Sentenced to three years in the house of correction. Pardon granted November 23, 1875, on the petition of Rev. J. Griffin, Rev. Wm. P. McQuaid, Col. Wm. B. Hutchings, Dr. J. B. Moran, and other respectable citizens of Boston Highlands. The council were satisfied that the prisoner did not belong to the criminal class; that the property stolen was of small value, and was recovered by the owner, who did not wish him punished, and earnestly desired his pardon. The prisoner, who is rather weak-minded, seemed sincerely penitent. He had a comfortable home, and employment awaiting him.

No. 73. JOSEPH WILLIAMS and JAMES MOULTON. Convicted of burning a barn: Superior Court, Middlesex

County, October 31, 1873. Sentenced each to four years in the house of correction. Pardon granted November 23, 1875, on the petition of the foreman and four others of the jury who convicted them, and Wm. E. Livingston, W. F. Salmon, Andrew F. Jewett, Jeremiah Crowley, of Lowell, besides Hon. W. W. Warren, Dr. Ezra Parmenter, K. S. Chaffee, A. C. Wellington, and others of Cambridge and vicinity. It appeared that after the trial of the prisoners it was ascertained that the principal witness against them had borne a bad reputation for truth and veracity, and that his testimony might have been impeached. The value of the property destroyed was very small. The council had strong doubts as to the guilt of the prisoners.

No. 74. CHARLES CHEVALIER. Convicted of being a common thief: Superior Court, Suffolk County, May term, 1874. Sentenced to the state prison for seven years. Pardon granted November 23, 1875. The prisoner had for nearly a year past been an inmate of the Worcester Lunatic Hospital, and satisfactory evidence was furnished to the council that he was incurably insane. He was sent to Holland, his native country, where he had friends who would care for him,

No. 75. GEORGE L. MOWRY. Convicted of robbery with force: Superior Court, Worcester County, January 30, 1866. Sentenced to the state prison for life. Pardon granted November 24, 1875, for Thanksgiving Day, upon the recommendation of the warden. The prisoner's health was greatly impaired by his confinement, and had failed very much during the last year. His conduct while in prison had been excellent.

No. 76. JAMES GRIFFIN. Convicted of house-breaking: Court of Common Pleas, Norfolk County, October term, 1852. Sentenced for life to the state prison. Pardon granted November 24, 1875, upon the recommendation of the warden, for Thanksgiving Day. The prisoner who had been in the state prison for a longer time than any other convict, had served out twenty-three years of a life sentence. His conduct while in prison had been uniformly good.

No. 77. JOHN S. DODGE. Convicted of obtaining money on false pretences: Superior Court, Essex County, October term, 1871. Sentenced to five years in the state prison. Pardon granted November 24, 1875, on the rec-

commendation of the warden, for a Thanksgiving pardon. The prisoner's conduct while in prison had uniformly been good; he had been a faithful and efficient hospital steward for several years; his health was greatly impaired, and longer confinement would probably have been fatal to him.

No. 78. REUBEN A. WENTWORTH. Convicted of larceny: Municipal Court, Boston, November 5, 1875. Sentenced to three months in the house of correction. Pardon granted December 7, 1875, on the petition of many leading citizens of Maine, where the prisoner resided, and had always borne an excellent reputation. The council were satisfied, from evidence presented to them, that the prisoner was the victim of a confidence-man, and was entirely innocent of the crime charged. His pardon was strongly recommended by the justice who sentenced him.

No. 79. JOHN BAXTER. Convicted of breaking and entering: Superior Court, Suffolk County, August 10, 1874. Sentenced to two and one-half years in the state prison. Pardon granted December 28, 1875, on the petition of the general agent of the board of state charities. On the sixth day of December, 1875, the prisoner was adjudged to be insane by the commissioners for the examination of convicts alleged to be insane, and was transferred to the Taunton Lunatic Hospital; the board of state charities desired his pardon in order that he might be removed to the lunatic hospital of Rhode Island, of which State he was a resident, to the end that the Commonwealth might be relieved of the further expense of his support.

No. 80. WILLIAM G. HADLEY. Convicted of larceny: Superior Court, Worcester County, October 28, 1874. Sentenced to two years in the house of correction. Pardon granted December 28, 1875, on the petition of Rev. Wm. H. Dowden, of East Jaffrey, N. H., Rev. Walter Rice, Rev. A. A. Wright, and other citizens of Leominster and Lunenburg, for the reason that there was much evidence that when the prisoner committed the crime he was suffering great physical pain, and was mentally unsound. The council were unanimously of the opinion that the object of punishment had been accomplished.

No. 81. DANIEL SULLIVAN. Convicted of highway robbery: Superior Court, Worcester County, February 3, 1875. Sentenced to the state prison for three years. Pardon granted December 28, 1875, on the petition of

Geo. F. Hoar, Alex. H. Bullock, Isaac Davis, P. C. Bacon, D. Waldo Lincoln, F. H. Kinnicutt, John D. Washburn, George W. Gill, and other prominent citizens of Worcester. Satisfactory evidence was presented to the council that the prisoner was innocent of the crime for which he was convicted.

No. 82. JAMES KNEELAND. Convicted of burglary: Superior Court, Suffolk County, January term, 1874. Sentenced to fifteen years in the state prison. Pardon granted December 28, 1875, on the petition of the prosecuting officer and all the members of the jury by whom he was convicted. The council were satisfied that the prisoner was the dupe and victim of a man who is serving out a sentence in the state prison for another crime. There were strong reasons for believing him to be innocent.

No. 83. GEORGE J. GRAY. Convicted of assault with intent to kill, assault with dangerous weapon, and burglary, upon three indictments: Superior Court, Suffolk and Essex counties, October term, 1866. Sentenced altogether to twenty-five years in the state prison. Pardon granted January 1, 1876, because the council were satisfied that the object of imprisonment had been accomplished, that no public interest would suffer, and that the good order and discipline of the prison would be promoted by the release of the prisoner.

No. 84. JOHN BOYEN. Convicted of breaking and entering: Superior Court, Suffolk County, October 15, 1872. Sentenced to four years and six months in house of correction. Pardon granted January 1, 1876, at the request of the board of directors of public institutions of the city of Boston, and of the master of the house of correction, who expressed their belief that the prisoner's pardon would have a good effect on the discipline of the prison. The pardon was granted in accordance with a custom observed for several years of releasing a prisoner from the house of correction on Christmas or New Year's day.

[To the Senate, February 8.]

I have the honor herewith to transmit the report of the Manager of the Troy and Greenfield Railroad and Hoosac Tunnel, for the six months ending December, 31, 1875.

[To the Senate, February 24.]

I have the honor herewith to transmit for the information and use of the General Court, the Annual Report of

the Adjutant-General of the Commonwealth, for the year ending December 31, 1875, and the Annual Report of the Commissioner of the Mystic River Corporation for the year 1875.

[To the Senate, April 24.]

I have the honor herewith to inclose for the disposition of the General Court, a Joint Resolution of the Senate and House of Representatives of the United States, transmitted to me by the Secretary of State.

[To the House of Representatives, April 27.]

I herewith return to the House of Representatives, in which it originated, "An Act to confirm the Marriage of James Parton and Ellen Willis Eldredge," without approval, for the reason that, upon the best information which I possess or can obtain, said Act appears to be contrary to sound principles of legislation, and to the good of society.

Chapter 106 of the General Statutes of this Commonwealth prohibits marriage between persons bearing certain kinship or relation to each other; and among others, it is provided that no man shall marry his step-daughter, and that no woman shall marry her step-father; and this general law is binding upon all the people of the Commonwealth.

I understand the facts in this case to be, that James Parton and Ellen Willis Eldredge, standing to each other in the relation of step-father and step-daughter, on the third day of February, 1876, went through the ceremony of marriage, for the purpose of becoming husband and wife, and thereafter cohabited in violation of the statute above cited; and that the bill, herewith returned, assumes to suspend the general law in favor of the persons named in this Act. Unless, therefore, the legislature has authority thus to suspend a general law, the Act in question is invalid.

I am advised that, under the provisions of Articles 10, 12, and 20 of the Bill of Rights, an Act suspending, in favor of individuals, a general law which affects the life, liberty or property of citizens, is unconstitutional; because, by the suspending law, the general law is made to restrain persons arbitrarily and not in common with all others in like circumstances, and, therefore, is not according to "the law of the land"; and that our courts have decided that

the Legislature may suspend the operation of the general laws of the State ; but when it does so, the suspension must be general, and cannot be made for individual cases or for particular localities. The authorities which might be cited in support of such decision, are numerous and apparently conclusive.

This principle does not conflict with the validity of laws legalizing the doings of persons who have assumed to act when not empowered to do so,—as justices of the peace, officers authorized to solemnize marriages, sheriffs, etc., etc. ; because such laws are not those of arbitrary exemption in favor of one person, but confirmatory laws affecting and embracing all persons who come within the same category. Thus, if the persons named in this bill had been those who might lawfully have entered into marriage relation, and in attempting to do so, the marriage ceremony had been performed by a person not qualified to solemnize a marriage, the Legislature might properly confirm the act of such person, and thus bring the parties within the provisions of the general law. But the parties interested in this bill appear to have never been married, for the reason that they could not enter into the marriage relation.

If I rightly interpret the present Act, the general court did not intend to confirm the marriage of James Parton and Ellen Willis Eldredge in any other mode than by exempting them from the operation of the general law prohibiting marriages within certain degrees of relationship. It is manifest that there was no intention to repeal the general law, because by the terms of this Act it is confined to the two persons named therein ; it seems obvious, therefore, that the intention of this Act is to confirm their marriage by exempting these two persons from the operation of the general law, which I understand not to be within the constitutional power of the Legislature.

For these and for other considerations, social, moral and religious, involving also possibly the rights of property and of legitimacy, I feel compelled to withhold my approval of this bill, and to return it for the further consideration and action of the Legislature.

[To the Senate, April 28.]

I respectfully return to the honorable Senate, in which it originated, "An Act to regulate the sale of intoxicating liquors," without my approval. In as careful an examina-

tion of this bill as I have been able to make since it came to my hands, it appears to contain few provisions which differ essentially from those of the existing law. To some of these I should give cheerful approval, while others seem highly objectionable.

In the remarks which I had the honor to submit to the General Court upon the subject-matter of this bill, at the commencement of its present session, I expressed my views with considerable fullness under the belief that the prevailing sentiment of the people of the State favored a fair and impartial trial of the existing law before it should be essentially modified; and I also indicated certain additional provisions which, if adopted, I believed would add to its efficiency in suppressing the great evils of intoxication and drunkenness. I am gratified in having the opportunity to concur with the Legislature in the enactment of some of the most important of these provisions, in a bill which has already passed both houses and received executive approval.

It would be contrary both to my original recommendation and to my present convictions of duty, to approve any alterations in the existing law which should so enlarge its license as to give freedom to the growth of a vice from which many of its victims are just now making zealous and heroic endeavors to escape, or otherwise disturb that healthy sentiment of reform which now pervades the community in respect to this and other subjects of common welfare.

The provision of the present bill which I especially disapprove is found in the sixth section. Under the existing law licenses of the first, second and third classes are subject to the condition that the licensee shall not keep an open bar, and shall hold also a license as an innholder or common victualler. The bill now under consideration omits these conditions, and provides that holders of licenses of the first class (costing from \$100 to \$1,000 each) may sell liquors of any kind to be drunk on the premises; and that holders of licenses of the second and third classes, (costing from \$50 to \$250 each) may sell malt liquors, cider and light wines to be drunk on the premises; and there is no limitation of the number of such licenses, of either class, that may be granted by the selectmen of towns or by the mayor and aldermen of cities, or by license commissioners, as the case may be.

Under this new provision, therefore, our cities and towns throughout the Commonwealth would be subject to the establishment of open bars and tippling houses, unlimited in number, and decked with the allurements of temptation to the young and the unstable, and spreading the seeds of poverty, desolation and crime where they are, and ought to be, forever excluded.

I cannot but feel that the enactment of such a measure would be a step backwards in our civilization; that while we are expending vast sums of money in the maintenance of schools, colleges and churches, in charitable and reformatory institutions and prisons, and watching with anxious solicitude the causes which lead to the increase of insanity, pauperism and crime,—that while we are prosecuting discoveries in science, developing the useful arts and extending our industries in the hope of increasing the employments, the comfort and the wealth of our people,—to establish the tippling house and the open bar, with their concomitant vices, at every step of our progress, would seem to be a reproach either to our intelligence or to our integrity. The other changes in the law contemplated by this bill, which, for the most part, meet my approval, sink into obscurity in my esteem, in comparison with this great and threatening evil.

With great deference to the wisdom of the Legislature, I therefore return the bill without approval, for its further consideration.



CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Jan. 18, . . .	Daisie Marion Penn,*	Daisie Marion Burrows, .	Liverpool, Engld.
18, . . .	William Penn,*	William Burrows, .	Liverpool, Engld.
18, . . .	Jennie Sargent, .	Jennie Ricker, .	Boston.
25, . . .	Mary Nagle,*	Mary Lemoine, .	Woburn.
Feb. 15, . . .	Emma Jane Bell,*	Emma Jane Pulsifer, .	Cambridge.
15, . . .	Mary Ann McGurdy,*	Mary Ann Bird, .	Cambridge.
15, . . .	Margaret McGurdy,*	Margaret Bird, .	Cambridge.
23, . . .	Anna F. Mahoney,*	Anna F. Dunn, .	Boston.
Mar. 1, . . .	Mary Jane Curtis,*	Mary Jane Grant, .	Troy, N. Y.
22, . . .	Jessie E. Kirkpatrick,*	Jessie Elizabeth Gates, .	Boston

CHANGE OF NAMES.

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Apr. 5,	Waldo Clarence Haynes,*	.	.	Joseph Rollins De Castro French,	.	Boston.
5,	Walter Edward Welch,*	.	.	Fredie Walter Emerton,	.	Boston.
12,	Elizabeth Ruddick,*	.	.	Eliza Watson,	.	Boston.
May 3,	Loammi Crosby,	.	.	Lew Crosby,	.	Boston.
17,	Edith Augusta Smith,*	.	.	Edith Augusta Ham,	.	Boston.
17,	Andrew Hall Ferdinand,	.	.	Andrew Ferdinand Hall,	.	Boston.
June 14,	Lucy Brackett Wadleigh,*	.	.	Lucy Brackett Chase,	.	Brooklyn, N. Y.
21,	Martha Thain,*	.	.	Carrie Willson Carpenter,	.	Boston.
21,	Imogene Russell Harding,	.	.	Gena Russell Harding,	.	Boston.
21,	Odelia Baltz,*	.	.	Matilda Bach,	.	Boston.
28,	Charlotte White,*	.	.	Mabel Angel Carter,	.	Dedham.
28,	Annie Sullivan,*	.	.	Annie C. Randall,	.	Boston.
July 6,	Charles McClellan Murphy,	.	.	Charles McClellan Ballard,	.	Boston.
26,	Harry G. Collins,	.	.	Alberton Deshorne Bredings,	.	Boston.
Aug. 9,	John Boyce,	.	.	John Fitzgibbon,	.	Boston.
16,	Herman Bowers,	.	.	Herman Wenskowski,	.	Boston.
23,	Nathaniel William Curtis,	.	.	Nathaniel Curtis,	.	Boston.
Oct. 11,	Marie Kochling,*	.	.	Marie Saalwaechter,	.	Boston.
11,	Friedrick Kochling,*	.	.	Friedrick Saalwaechter,	.	Boston.

* Names changed by reason of adoption.

SUFFOLK COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1873.			
Oct. 18, . . .	Grace Williams,* . . .	Grace Nourse, . . .	Cambridge.
Nov. 15, . . .	Leonard Marshall Prescott,* . . .	Leonard Prescott Hilton, . . .	Somersworth, N.H.
Dec. 6, . . .	Saida Gray,* . . .	Saida Baker, . . .	Boston.
13, . . .	Thomas Vinton Young, . . .	Richard Randolph Shaw, . . .	Boston.
27, . . .	Marvin Sumner,* . . .	Mervin Sumner Johnson, . . .	Boston.
27, . . .	Mary Flatley,* . . .	Nettie Harris Smith, . . .	Boston.
27, . . .	Ida May Costello,* . . .	Alice Goodridge, . . .	Cambridge.

ESSEX COUNTY.

Jan. 18, . . .	Blanche Augusta Lawrence, . . .	Blanche Lawrence Cummings, . . .	Andover.
25, . . .	Pauline Carr, . . .	Pauline Wadleigh, . . .	Salisbury.
25, . . .	Claudia Lee Horne, . . .	Fannie Spencer Littlefield, . . .	Haverhill.
Mar. 1, . . .	Frank R. Smith, . . .	Frank R. Frost, . . .	Haverhill.
8, . . .	Katie Jane Carter, . . .	Katie Jane Robinson, . . .	Lawrence

Mar. 8,	Mary Ann Fuller, .	Maria Annie Dawson, .	Lawrence.
22,	Paulina Chambers, .	Annie Peabody True, .	Salisbury.
22,	Arthur Webster Johnson, .	Arthur Webster Ballard, .	Salem.
Apr. 12,	Hattie Margenson, .	Hattie Denby, .	Newark, N. J.
19,	Hannah Tinker, .	Hannah Butterworth, .	Salisbury.
June 14,	Ellen Maria Fuller, .	Nellie Fuller Manning, .	Rockport.
21,	Clarence Elmer Bailey, .	Clarence Elmer Wirth, .	Peabody.
21,	Frank Bailey, .	Edward Oscar Wirth, .	Peabody.
21,	Joseph Walter Bailey, .	Joseph Walter Wirth, .	Peabody.
Aug. 2,	Alice Ruth Legro, .	Alice Reynolds Hood, .	Beverly.
Sept. 6,	Ada Ingalls Gaskill, .	Ada Joseph Young, .	Salisbury.
13,	Frank Bent, .	Frank William Holt, .	Lawrence.
13,	Anna Maria Corser, .	Annie Maria Baker, .	Amesbury.
20,	Lewis Thorndike Lee, .	Alfred Thorndike Lee, .	Lynn.
Oct. 18,	Frederick C. Trefethen, .	Frederick C. Joslyn, .	Lynn.
25,	Charlotte Ann Saunders, .	Charlotte Ann Taylor, .	Lynn.
Dec. 6,	Ida F. Twiss, .	Ida Twiss Bragdon, .	Danvers.
20,	William M. Coffin, Jr., .	William M. Gray, .	Milford, N. H.
20,	Florence Etta Twiss, .	Florence Etta Melden, .	Lynn.

* Names changed by reason of adoption.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
an. 5, . . .	Viola Fletcher, . . .	Alice Maud Jacobs, . . .	Marlborough.
5, . . .	Clara Robinson, . . .	Clara Wakefield, . . .	Hopkinton.
19, . . .	William Walters Whitten, . . .	William Burr Plunkett, . . .	Lowell.
19, . . .	Frances Gertrude Valentine Sylvester, . .	Frances Gertrude Valentine, . .	Newton.
19, . . .	Mabel Hedwig Valentine Sylvester, . .	Mabel Hedwig Valentine, . .	Newton.
26, . . .	Helena Josephine Dick, . . .	Helena Josephine Goldsmith, . .	Lowell.
Feb. 9, . . .	Joanna McCarron, . . .	Josephine Agnes Barnes, . . .	Marlborough.
Mar. 9, . . .	Cora Mabel Gould, . . .	Cora Mabel Hapgood, . . .	Ashby.
Apr. 6, . . .	Etta Frances Taylor, . . .	Etta Frances Palmer, . . .	Lowell.
6, . . .	Lottie Agnes Howe, . . .	Charlotta Agnes Holbrook, . .	Ashland.
13, . . .	Samuel Mitchell, . . .	Samuel O'Kelly, . . .	Marlborough.
13, . . .	Ida Lucy Morehouse, . . .	Ida Lucy Wells, . . .	Lowell.
May 11, . . .	Amy Pollard, . . .	Amy Maier, . . .	Cambridge.
18, . . .	Carrie Isabella Ackerman, . . .	Carrie Isabella Hilbard, . . .	Hopkinton.
25, . . .	Ella Frances Collins, . . .	Annie Gertrude Hicks, . . .	Somerville.
June 22, . . .	Matilda Ann Gregory, . . .	Elizabeth Stephens Latimer, . .	Newton.
July 6, . . .	Cynthia Louisa Hoffer, . . .	Lulu Cox, . . .	Cambridge

July 27,	.	.	Nellie F. Brigham, .	.	.	Nellie Fay Brigham Belknap,	.	.	Marlborough.
Sept. 7,	.	.	Ida Ella Wilson, .	.	.	Clara Ella Page, .	.	.	Ayer.
14,	.	.	Emma Keziah Page,	.	.	Nellie Keziah Farrington,	.	.	Lowell.
28,	.	.	Jessie Anna Brooks,	.	.	Jessie Anna Spaulding, .	.	.	Groton.
Oct. 12,	.	.	George Levi Morse,	.	.	Joseph Warren Adams, .	.	.	Somerville.
12,	.	.	Herbert William Prouty,	.	.	Herbert William Estabrook,	.	.	Natick.
26,	.	.	George Wiley, .	.	.	George Wiley Higgins, .	.	.	Holliston.
26,	.	.	Emma Cutting Bent,	.	.	Emma Cutting Bent Gray,	.	.	Framingham.
Nov. 7,	.	.	Anne Max, .	.	.	Anne Max Murphy, .	.	.	Stoneham.
23,	.	.	Ida L. Haven, .	.	.	Ida Lillian Hutchinson, .	.	.	Burlington.
23,	.	.	Mary McNaught, .	.	.	Mary Hutchinson, .	.	.	Burlington.
23,	.	.	John S. McNaught,	.	.	John Stuart Hutchinson,	.	.	Burlington.
Dec. 14,	.	.	Ella Maud Johnson,	.	.	Maud Ellene Noyes, .	.	.	Somerville.

WORCESTER COUNTY.

Jan. 5,	.	.	Anna Maria Lamb,	.	.	Anna Maria Wilson,	.	.	Leicester.
5,	.	.	Charles H. Baylies,	.	.	Charles H. Warren,	.	.	Templeton.
19,	.	.	John Carter, .	.	.	John Albion Carter,	.	.	Petersham.

WORCESTER COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
Mar. 2, . . .	Nellie Dascomb Lovejoy,	Nellie Dascomb Temple,	Gardner.
2, . . .	Mabel H. Ball, . . .	Mabel Stevens Ball,	Worcester.
Apr. 6, . . .	Frances Maria Eaton,	Frances Maria Chase,	Millford.
20, . . .	James Edward White,	James Edward Mowry,	Douglas.
27, . . .	Unknown, . . .	Emmie Clinton Smith,	Athol.
June 15, . . .	George K. Warner,	George W. Lawrence,	Fitchburg.
July 6, . . .	Harriet Higgins Merrill,	Harriet Merrill Marcy,	Southbridge.
20, . . .	Frederick D. Gassett,	Frederick Hildreth,	Millford.
20, . . .	Ella Frances Jones,	Ella Frances Hale,	Leominster.
Sept. 7, . . .	Frances Eliza Young,	Edna Eliza Morse,	Webster.
7, . . .	Cora Augusta Shaw,	Cora Augusta Davies,	Winchendon.
7, . . .	Eugene Manning,	Eugene Ames,	Royalston.
28, . . .	Bertha Alace Carlton,	Carrie Emeline Young,	Templeton.
Oct. 5, . . .	Effie Gibson,	Alice Effie Kimball,	Fitchburg.
5, . . .	Caro Frances Goulding,	Caro Frances Wetherbee,	Worcester.
Nov. 2, . . .	Willie Henry Atkins,	Willie Henry Wilson,	Leicester.

Nov. 2,	.	.	.	.	.	Ida M. Davenport,	.	.	.	Madge Davenport Ballou,	.	.	.	Grafton.
16,	.	.	.	.	.	William Henry Brown,	.	.	.	William Henry Sherman,	.	.	.	West Brookfield.
Dec. 7,	.	.	.	.	.	Cora Ella Bradford,	.	.	.	Cora Ella Remington,	.	.	.	Northbridge.

HAMPSHIRE COUNTY.

Jan. 5,	.	.	.	.	.	Edward Ericsson,*	.	.	.	Frank Edward Main,	.	.	.	Northampton.
Mar. 2,	.	.	.	.	.	Hattie Munn,*	.	.	.	Eliza Bennett,	.	.	.	Middlefield.
May 4,	.	.	.	.	.	Mary Lueser Beaman,*	.	.	.	Mary Lueser Lovell,	.	.	.	Amherst.
4,	.	.	.	.	.	Charlie Rhoad,*	.	.	.	Frederic A. Bryant,	.	.	.	Chesterfield.
4,	.	.	.	.	.	Frank Wilbur Rhoad,*	.	.	.	Frank Wilbur Clark,	.	.	.	Huntington.
July 6,	.	.	.	.	.	Edwin J. Beaman,*	.	.	.	Edwin J. Ingram,	.	.	.	South Hadley.
Sept. 7,	.	.	.	.	.	Inez Eudora Park,*	.	.	.	Inez Eudora Park Butterfield,	.	.	.	South Hadley.
Nov. 3,	.	.	.	.	.	Clarence W. Hunt,*	.	.	.	Clarence W. Spooner,	.	.	.	Grauby.
3,	.	.	.	.	.	George N. Hunt,*	.	.	.	Geo. N. Goldthwait,	.	.	.	Grauby.
9,	.	.	.	.	.	Clara Bell Truesdell Kendall,*	.	.	.	Clara Bell Kendall Thayer,	.	.	.	Amherst.

HAMPDEN COUNTY.

Jan. 5,	.	.	.	.	.	Mary Emma Hodge,	.	.	.	Josephine Allen Burton,	.	.	.	West Springfield.
Feb. 2,	.	.	.	.	.	Arabella Horton,	.	.	.	Bella Horton Stevens,	.	.	.	Westfield.

* Names changed by reason of adoption.

HAMPDEN COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1873.			
Mar. 2, . . .	Edward Maurer, . . .	Edson Bradford Turpin, . . .	Springfield.
Apr. 14, . . .	Isabella Brown, . . .	Bertha Arabel Cook, . . .	Springfield.
May 4, . . .	John Work, . . .	John Dudley Colton, . . .	Longmeadow.
4, . . .	Gertrude Welden Hastings Barrett, . . .	Edith Gertrude Johnson, . . .	Chicopee.
July 6, . . .	Addie Martin, . . .	Addie Lupin, . . .	Palmer.
9, . . .	Laura Barney, . . .	Laura Barney Wakefield, . . .	Wales.
Oct. 16, . . .	Nellie Brennan, . . .	Nellie Josephine Marvin, . . .	Springfield.
Nov. 23, . . .	Walter Albert Crowell, . . .	Walter Albert Reed, . . .	West Springfield.
Dec. 7, . . .	Franklin Brown, . . .	Frank Watson Halladay, . . .	Agawam.

FRANKLIN COUNTY.

Feb. 9, . . .	Luther O. Root,* . . .	Charles L. Bullock, . . .	Barnardston.
9, . . .	Geneva L. Searle,* . . .	Geneva L. Morse, . . .	Montague.
Mar. 9, . . .	Jennie L. Rhoad,* . . .	Jennie L. Lawrence, . . .	Conway.
June 1, . . .	John McCarty, . . .	John Barber, . . .	Northfield.
1, . . .	Etta E. Parker,* . . .	Etta E. Bond, . . .	Buckland

July 6,	.	.	.	.	.	.	Bertha A. Chamberlain,	.	.	.	Orange.
6,	.	.	.	.	.	.	Frank B. Graves, .	.	.	.	Greenfield.
Sept. 7,	.	.	.	.	.	.	Flora M. Freeman,	.	.	.	Shutesbury.
7,	.	.	.	.	.	.	John G. L. Quinton,	.	.	.	Greenfield.
Nov. 3,	.	.	.	.	.	.	Geo. W. Gunn, .	.	.	.	Montague.
3,	.	.	.	.	.	.	Effie A. Gunn, .	.	.	.	Montague.
Dec. 7,	.	.	.	.	.	.	Lula L. Temple, .	.	.	.	Heath.
7,	.	.	.	.	.	.	Sadie R. Maxwell, .	.	.	.	Heath.
7,	.	.	.	.	.	.	Lillian E. Morton, .	.	.	.	Whately.
7,	.	.	.	.	.	.	Eva M. Parker, .	.	.	.	Greenfield.
7,	.	.	.	.	.	.	Oscar S. Williams, .	.	.	.	Sunderland.
14,	.	.	.	.	.	.	Daisy J. Leland, .	.	.	.	Orange.

BERKSHIRE COUNTY.

Jan. 5,	.	.	.	.	.	.	Florence Agnes Butler, .	.	.	.	Adams.
Feb. 2,	.	.	.	.	.	.	David Larmary, .	.	.	.	Becket.
Mar. 2,	.	.	.	.	.	.	Thomas Fortune, .	.	.	.	Hinsdale.
May 4,	.	.	.	.	.	.	Annie V. Babcock, .	.	.	.	Pittsfield.

* Names changed by reason of adoption.

BERKSHIRE COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1875.			
July 20, . . .	Lydia Amanda Le Barnes, . . .	Lydia Amanda Proper, . . .	Pittsfield.
Nov. 3, . . .	Ettie Irene Bicknell, . . .	Ettie Irene Converse, . . .	Dalton.
Dec. 7, . . .	Joseph Alexander Marsh, . . .	Joseph Alexander Strong, . . .	Adams.

NORFOLK COUNTY.

Jan. 6, . . .	Etta Estelle Knowles,* . . .	Etta Estelle Wilbur, . . .	Randolph.
6, . . .	Patrick Treacy,* . . .	Patrick Meaney, . . .	Brookline.
July 21, . . .	Annie F. Richardson,* . . .	Annie Lorena Ford Reed, . . .	Foxborough.
21, . . .	Frederick U. Smith,* . . .	Frederick Henry Barker, . . .	Quincy.
Sept. 1, . . .	Mary Rollins,* . . .	Mary Malinda Mac Kenzie, . . .	Hyde Park.

BRISTOL COUNTY.

Jan. 1, . . .	Lissie Maria Leslie, . . .	Lissie Maria Briggs, . . .	New Bedford.
Apr. 2, . . .	Earnest A. Brown, . . .	Charles Armstrong Cole, . . .	New Bedford.
June 4, . . .	George Gates, . . .	Edward Livingston Baker, . . .	New Bedford.

June 4, . . .	Mary Lydia Orvis, .	. . .	Mary Lydia Weston, .	. . .	. . .	Fall River.
July 9, . . .	Addie E. Provost, .	. . .	Emma Etolly Peirce, .	. . .	. . .	Rehoboth.
Aug. 6, . . .	Ladora I. Howland, .	. . .	Dora Elizabeth Shores, .	. . .	. . .	Dartmouth.
6, . . .	Frank H. Stetson, .	. . .	Frank H. Harrison, .	. . .	. . .	Fall River.
6, . . .	Louisa Cook, . . .	. . .	Louisa Cook Spellman, .	. . .	. . .	Taunton.
Sept. 3, . . .	Susan Abby Jones, .	. . .	Alice Draper Brown, .	. . .	. . .	Woonsocket.
3, . . .	Margaret Boland, .	. . .	Margaret Galligan, .	. . .	. . .	Norton.
Nov. 19, . . .	Bertha Frances Briggs, .	. . .	Bertha Frances Wilbar, .	. . .	. . .	Taunton.
19, . . .	Sarah Maria Briggs, .	. . .	Sarah Maria Walker, .	. . .	. . .	Taunton.
Dec. 17, . . .	Anna Mildred Hall, .	. . .	Millie Kennedy, . . .	. . .	. . .	Easton.

PLYMOUTH COUNTY.

Jan. 11, . . .	Flora Staples,* . . .	. . .	Flora Nichols, . . .	. . .	. . .	Plymouth.
Apr. 12, . . .	Margaret E. Hamilton,* .	. . .	Florence M. Holmes, .	. . .	. . .	Plymouth.
May 10, . . .	Julia Bennett,* . . .	. . .	Ida May Whittier, . . .	. . .	. . .	Brockton.
June 14, . . .	Francis Harrington,* . . .	. . .	Francis Keough, . . .	. . .	. . .	Brockton.
July 12, . . .	Annie Bohring,* . . .	. . .	Gracie L. Otis, . . .	. . .	. . .	Scituate.
Sept. 27, . . .	Myron L. Bryant,* . . .	. . .	Myron L. Hartwell, . . .	. . .	. . .	Bridgewater.

* Names changed by reason of adoption.

PLYMOUTH COUNTY—*Concluded.*

Date of decree.	Original Name.	Name Deceed.	Residence.
1873.			
Nov. 8, . . .	Edward J. Maloy,*	Edward M. Thomas,	Middleborough.
8, . . .	Frances R. Shaw,*	Frances E. Atwood,	Plymouth.
Dec. 13, . . .	Nathan C. Freeman,*	Nathan F. Cook,	So. Abington.
27, . . .	Frederic B. Goldsborough,*	Albert Raymond,	Plymouth.

BARNSTABLE COUNTY.

Mar. 9, . . .	Mary Ellen Wilson,	Mary Stuart Ellen Wilson,	Barnstable.
May 20, . . .	Nehemiah Harding Fisher,	Irving Harrison Fisher,	Provincetown.
Aug. 10, . . .	Emma Gage Crowell,	Emma Gordon Crowell,	Barnstable.

DUKES COUNTY.

June 7, . . .	Josephine Anderson,	Josephine Sylva,	Edgartown.
July 9, . . .	Samuel Smith Daggett Esau,	Samuel Smith Daggett,	Edgartown.

* Names changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1876.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

ALEXANDER H. RICE,

GOVERNOR.

GEORGE H. CAMPBELL, *Private Secretary.*

HIS HONOR

HORATIO G. KNIGHT,

LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS).

I.—JOSEPH K. BAKER.

II.—HARRISON TWEED.

III.—ALDEN LELAND.

IV.—JAMES STURGIS.

V.—ROBERT COUCH.

VI.—GEORGE O. BRASTOW.

VII.—GEORGE WHITNEY.

VIII.—WILLIAM C. PLUNKETT.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.*

ISAAC H. EDGETT, *2d Clerk.*

CHARLES ENDICOTT,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.*

JOHN Q. ADAMS, *2d Clerk.*

JULIUS L. CLARKE,

AUDITOR.

AUGUSTUS BROWN, *1st Clerk.*

EDWARD S. DAVIS, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

WILLIAM CALEB LORING, . . . *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—GEORGE B. LORING.

District.	Name of Senator.	Residence.
First Suffolk, . .	Eustace C. Fitz, . .	Chelsea.
Second “ . .	Timothy J. Dacey, . .	Boston.
Third “ . .	Michael J. Flatley, . .	Boston.
Fourth “ . .	Francis D. Stedman, . .	Boston.
Fifth “ . .	Samuel D. Crane, . .	Boston.
Sixth “ . .	Thomas F. Fitz Gerald, . .	Boston.
First Essex, . .	Peter M. Neal, . .	Lynn.
Second “ . .	George B. Loring, . .	Salem.
Third “ . .	George L. Davis, . .	North Andover.
Fourth “ . .	Haydn Brown, . .	West Newbury.
Fifth “ . .	Charles Howes, . .	Essex.
First Middlesex, . .	Caleb Rand, . .	Boston.
Second “ . .	Selwyn Z. Bowman, . .	Somerville.
Third “ . .	John Sargent, . .	Cambridge.
Fourth “ . .	Francis J. Parker, . .	Newton.
Fifth “ . .	Joseph A. Harwood, . .	Littleton.
Sixth “ . .	John Cummings, . .	Woburn.

District.	Name of Senator.	Residence.
Seventh Middlesex, .	W. E. Livingston, . .	Lowell.
First Worcester, .	Edward L. Davis, . .	Worcester.
Second " . .	Aaron C. Mayhew,* . .	Milford.
Third " . .	Emory L. Bates, . .	Sturbridge.
Fourth " . .	Moses O. Ayres, . .	Oakham.
Fifth " . .	Elisha Brimhall, . .	Clinton.
First Hampden, .	Tilly Haynes, . . .	Springfield.
Second " . .	George D. Robinson, . .	Chicopee.
Hampshire, . .	William M. Gaylord, . .	Northampton.
Franklin, . . .	Horace H. Mayhew, . .	Charlemont.
Berkshire, . .	Byron Weston, . . .	Dalton.
Berksh'e & Hampsh'e,	Norman W. Shores, . .	Lee.
First Norfolk, . .	Albert Palmer, . . .	Boston.
Second " . .	Joseph E. Fiske, . .	Needham.
Third " . .	J. White Belcher, . .	Randolph.
First Plymouth, .	Everett Robinson, . .	Middleborough.
Second " . .	Henry W. Robinson, . .	Brockton.
Norfolk & Plymouth,	E. Atherton Hunt, . .	Weymouth.
First Bristol, . .	Samuel S. Ginnodo, . .	Attleborough.
Second " . .	Benjamin F. Wing, . .	Dartmouth.
Third " . .	Philip J. Tripp, . . .	Freetown.
Cape, . . .	Jonathan Higgins, . .	Orleans.
Island, . . .	Ezra C. Howard, . . .	Sandwich.

STEPHEN N. GIFFORD, *Clerk.*ISAAC DUNHAM, *Chaplain.*O. F. MITCHELL, *Sergeant-at-Arms.*

*Elected February 1, in place of Abraham M. Bigelow, deceased previous to the assembling of the Legislature.

HOUSE OF REPRESENTATIVES.

Speaker.—JOHN D. LONG.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Andrew Hall, . Henry B. Hill, . E. M. McPherson, .	Boston. Boston. Boston.
2d,	Boston, Ward 2,	{ Michael Carney, . Neil Doherty, . Thomas Mooney, .	Boston. Boston. Boston.
3d,	Boston, Ward 3,	{ Thomas J. Gargan, . Thomas L. Jenks, . Nathaniel J. Rust, .	Boston. Boston. Boston.
4th,	Boston, Ward 4,	{ Charles Hale, . Samuel Talbot, Jr., . Alex'r Wadsworth, .	Boston. Boston. Boston.
5th,	Boston, Ward 5,	{ George A. Shaw,* . John J. Murphy, . Michael Sullivan, .	Boston. Boston. Boston.
6th,	Boston, Ward 6,	{ Henry Lee, . David L. Webster, . Robert D. Smith, .	Boston. Boston. Boston.
7th,	Boston, Ward 7,	{ Michael J. Croak, . James F. Supple, . Patrick Barry, .	Boston. Boston. Boston.
8th,	Boston, Ward 8,	{ Daniel Noonan, . William Woods, . J. Franklin Appell, .	Boston. Boston. Boston.
9th,	Boston, Ward 9,	{ Moses Kimball, . James White, .	Boston. Boston.
10th,	Boston, Ward 10,	{ Joseph F. Paul, . Albert E. Pillsbury, .	Boston. Boston.

* Seat contested; declared vacant February 13.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . {	Wall'ee F. Robinson, . Stillman B. Allen, . John H. Cook, .	Boston. Boston. Boston.
12th,	Boston, Ward 12, . {	Lyman S. Hapgood, . Alonzo Warren, .	Boston. Boston.
13th,	{ Chelsea, . . . Revere, . . . Winthrop, . . }	Charles A. Rogers, . Henry T. Holmes, . Ensign Kimball, .	Chelsea. Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Amesbury, . . . Salisbury, . . . West Newbury, . }	George W. Morrill, . Enoch Sawyer, .	Amesbury. Salisbury.
2d,	{ Haverhill, . . . Bradford, . . . }	Oliver Taylor, . Jackson B. Swett, . John B. Nichols, .	Haverhill. Haverhill. Haverhill.
3d,	{ Lawrence, . . . Methuen, . . . }	Byron Truell, . Edwin Ayer, . Ebenezer Sawyer, .	Lawrence. Lawrence. Methuen.
4th,	{ Andover, . . . North Andover, . }	Andrew Smith, .	No. Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . . }	Sherman Nelson, .	Georgetown.
6th,	{ Newburyport, . . . Newbury, . . . }	Caleb B. Huse, . Michael Atkinson, . Daniel D. Bailey, .	Newburyport. Newburyport. Newbury.
7th,	{ Ipswich, . . . Rowley, . . . }	George Haskell, .	Ipswich.
8th,	{ Gloucester, . . . Essex, . . . }	John J. Babson, . Charles H. Pew, 2d, Daniel W. Bartlett, .	Gloucester. Gloucester. Essex.
9th,	Rockport, . . .	Henry Dennis, Jr., .	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . . }	John B. Hill, . David A. Preston, .	Beverly. Beverly.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } Wenham, . . . }	Charles B. Rice, .	Danvers.
12th,	Peabody, . . .	James E. T. Bartlett,	Peabody .
13th,	{ Salem, Wards 1, 2 } and 3, . . . }	Charles S. Osgood, . Henry W. Putnam, .	Salem. Salem
14th,	Salem, Wards 4 and 6,	Henry G. Tuttle, .	Salem.
15th,	{ Salem, Ward 5, . } Marblehead, . . }	John Freeto, . . . Nathan'l E. Lindsey,	Marblehead. Marblehead.
16th,	{ Nahant, . . . } Lynn, Ward 4, . . }	Ephraim A. Ingalls,	Lynn.
17th,	Lynn, Wards 2 and 5,	Nathan M. Hawkes,	Lynn.
18th,	{ Lynn, Ward 3, . } Swampscott, . . }	Amos F. Breed, .	Lynn.
19th,	{ Lynn, Wards 1, 6 } and 7, . . . }	Edwin Walden, .	Lynn.
20th,	{ Saugus, . . . } Lynnfield, . . . } Middleton, . . . } Topsfield, . . . }	Otis M. Hitchings, .	Saugus.

COUNTY OF MIDDLESEX.

1st,	Charlestown, W'd 1,*	Francis E. Downer, .	Boston.
2d,	Charlestown, W'd 2,* {	Benjamin F. Stacey, John B. Norton, .	Boston. Boston.
3d,	Charlestown, W'd 3,* {	Samuel D. Sawin, . Joseph W. Hill, .	Boston. Boston.
4th,	{ Somerville, . . . } Malden,†, . . . }	Charles G. Pope, . Theodore N. Foque, Alonzo H. Evans, .	Somerville. Malden. Everett.
5th,	Medford, . . .	Daniel W. Lawrence,	Medford.

* Annexed to Boston in 1873; suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Everett incorporated March 9, 1870, from part of Malden; suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Arlington, . . . } Winechester, . . . }	Samuel D. Hicks, .	Arlington.
7th,	{ Cambridge, Ward 1, } " Ward 5, }	Solomon S. Sleeper,	Cambridge.
8th,	{ Cambridge, Ward 2, } " Ward 4, }	Austin C. Wellington, Leander M. Hannum, Edward Kendall, .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Jerem'h W. Coveney,	Cambridge.
10th,	{ Newton, . . . } Brighton,* . . . }	Isaac T. Burr, . . . Levi C. Wade, . . .	Newton. Newton.
11th,	{ Watertown, . . . } Belmont, . . . }	Edward Whitney, .	Belmont.
12th,	Waltham, . . .	Frederick M. Stone,	Waltham.
13th,	Natick, . . .	Warren A. Bird, .	Natick.
14th,	{ Holliston, . . . } Sherborn, . . . }	Ira W. Hoffman, .	Holliston.
15th,	{ Hopkinton, . . . } Ashland, . . . }	Eliakim A. Bates, .	Hopkinton.
16th,	Framingham, . .	Frederick W. Clapp,	Framingham.
17th,	Marlborough, . .	William A. Alley, .	Marlborough.
18th,	{ Hudson, . . . } Boxborough, . . . } Stow,† . . . } Littleton, . . . }	Edwin Amsden, .	Hudson.
19th,	{ Acton, . . . } Sudbury,† . . . } Wayland, . . . }	Jonas S. Hunt, . .	Sudbury.
20th,	{ Concord, . . . } Lincoln, . . . } Weston, . . . }	Edward Coburn, .	Weston.

* Annexed to Boston in 1873; suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Maynard incorporated April 19, 1871, embracing portions of the towns of Stow and Sudbury; suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . } Burlington, . . . } Carlisle, . . . }	Webster Smith, .	Lexington.
22d,	Woburn, . . .	Charles S. Converse,	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . } Melrose, . . . }	Thomas Winship, . Onslow Gilmore, .	Wakefield. Stoneham.
24th,	{ Reading, . . . } North Reading, . . . } Wilmington, . . . }	Charles H. Danforth,	Reading.
25th,	{ Chelmsford, . . . } Billerica, . . . } Tewksbury, . . . }	John Knowles, .	Billerica.
26th,	{ Lowell, Ward 1, . . . } “ Ward 2, . . . } “ Ward 6, . . . }	Charles A. F. Swan, John R. Southwick, .	Lowell. Lowell.
27th,	Lowell, Ward 3, .	Thomas R. Garity, .	Lowell.
28th,	Lowell, Ward 4, .	Joel Knapp, . .	Lowell.
29th,	Lowell, Ward 5, .	James D. Hartwell, .	Lowell.
30th,	{ Draeut, . . . } Tyngsborough, . . . } Dunstable, . . . } Westford, . . . }	James C. Woodward,	Dunstable.
31st,	{ Groton,* . . . } Pepperell, . . . }	Amos J. Saunders, .	Pepperell.
32d,	{ Townsend, . . . } Ashby, . . . } Shirley,* . . . }	Samuel Longley, .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	Charles A. Loud, .	Winchendon.
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* Town of Ayer incorporated February 14, 1871, embracing portions of the towns of Groton and Shirley; suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Royalston, . . . } Athol, . . . }	William W. Fish, .	Athol.
3d,	{ Gardner, . . . } Templeton, . . . }	Henry C. Knowlton,	Gardner.
4th,	{ Petersham, . . . } Dana, . . . } Phillipston, . . . } Hubbardston, . . . } Barre, . . . } Hardwick, . . . } New Braintree, . . }	Henry S. Miner, . Samuel S. Gleason, .	Phillipston. Hubbardston.
5th,	{ Westminster, . . . } Fitchburg, . . . } Lunenburg, . . . } Leominster, . . . }	Henry F. Coggshall, Francis C. Bowen, . Adin C. Estabrook, .	Fitchburg. Leominster. Lunenburg.
6th,	{ Lancaster, . . . } Bolton, . . . } Harvard, . . . }	Jona. C. Richmond, .	Harvard.
7th,	{ Clinton, . . . } Berlin, . . . } Northborough, . . . }	Elijah C. Shattuck, .	Berlin.
8th,	{ Sterling, . . . } West Boylston, . . . } Boylston, . . . }	George F. Howe, .	West Boylston.
9th,	{ Rutland, . . . } Holden, . . . } Princeton, . . . } Oakham, . . . }	Frederick Parker, .	Princeton.
10th,	{ Worcester, Ward 1, } " Ward 2, } " Ward 3, } " Ward 8, } Paxton, . . . }	John W. Wetherell, Samuel R. Heywood, John D. Washburn, .	Worcester. Worcester. Worcester.
11th,	{ Worcester, Ward 4, } " Ward 5, } " Ward 6, } " Ward 7, }	Osgood Bradley, Jr., Jeremiah Murphy, . Mat. J. McCafferty, .	Worcester. Worcester. Worcester.
12th,	{ Grafton, . . . } Shrewsbury, . . . }	John F. Searle, .	Grafton.

COUNTY OF WORCESTER—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
13th,	{ Westborough, . } Southborough, . }	B. Alden Nourse, .	Westborough.
14th,	{ Northbridge, . } Upton, . . . }	Wesley L. Fiske, .	Upton.
15th,	{ Milford, . . . } Mendon, . . . } Blackstone, . . }	George G. Parker, . Patrick Kennedy, . Charles C. Capron, .	Milford. Blackstone. Uxbridge.
16th,	{ Douglas, . . . } Webster, . . . } Dudley, . . . } Oxford, . . . } Sutton, . . . } Millbury, . . }	Frederick T. Chase, Francis Bugbee, . George F. Daniels, .	Webster. Webster. Oxford.
17th,	{ Auburn, . . . } Leicester, . . } Spencer, . . . } Charlton, . . . } Southbridge, . }	David Prouty, . . Andrus March, . .	Spencer. Charlton.
18th,	{ Sturbridge, . . } Brookfield, . . } North Brookfield, . }	Charles Fuller, . John Wetherbee, .	Sturbridge. Warren.
	West Brookfield, . Warren, . . . }		

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . } Huntington, . . } Northampton, . . }	Mark H. Spaulding, Lafayette Clapp, .	Northampton. Easthampton.
	Southampton, . Westhampton, . }		
2d,	{ Chesterfield, . . } Cummington, . . }	Orrin Bryant, . .	Chesterfield.
	Goshen, . . . } Middlefield, . . } Plainfield, . . }		
	Worthington, . . }		
3d,	{ Hadley, . . . } Hatfield, . . . }	Horace Cook, . .	Hadley.
	Williamsburg, . }		

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
th,	{ Amherst, . . . } South Hadley, . . . }	Newton Smith, . . .	South Hadley.
5th,	{ Belchertown, . . . } Granby, . . . } Pelham, . . . }	Monroe Keith, . . .	Granby.
6th,	{ Enfield, . . . } Greenwich, . . . } Prescott, . . . } Ware, . . . }	Addison Sandford, . . .	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } Brimfield, . . . } Holland, . . . } Wales, . . . }	Rice M. Reynolds, . . .	Monson.
2d,	{ Palmer, . . . } Wilbraham, . . . }	Charles L. Gardner, . . .	Palmer.
3d,	{ Springfield, Ward 1, } " Ward 2, } " Ward 3, }	Stephen E. Seymour, . . . Charles W. Richards, . . .	Springfield. Springfield.
4th,	{ Springfield, Ward 4, } " Ward 6, }	James Abbe, . . .	Springfield.
5th,	{ Springfield, Ward 5, } " Ward 7, } " Ward 8, }	Chris. C. Merritt, . . .	Springfield.
6th,	{ Holyoke, . . . } Chicopee, . . . } Ludlow, . . . }	Edwin L. Kirtland, . . . Charles A. Taylor, . . .	Holyoke. Chicopee.
7th,	{ Granville, . . . } Southwick, . . . } Agawam, . . . } W. Springfield, . . . } Longmeadow, . . . }	John M. Gibbons, . . . Thomas F. Cordis, . . .	Granville. Longmeadow.
8th,	Westfield, . . .	Reuben Noble, . . .	Westfield.
9th,	{ Chester, . . . } Blandford, . . . } Montgomery, . . . } Russell, . . . } Tolland, . . . }	George W. Granger, . . .	Tolland.

COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	Edward F. Mayo, .	Warwick.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Joseph H. Root, .	Montague.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	L. N. Brownell, . Calvin W. Shattuck,	Colrain. Colrain.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Alanson K. Hawks, . Eliphaz H. Wood, .	Shelburne. Whately.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Alanson W. Ward, .	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Harvey M. Owen, .	Lanesborough.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Charles H. Read, . Dallas J. Dean, .	Adams. Adams.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Ensign H. Kellogg, . Solomon N. Russell,	Pittsfield. Pittsfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	Monroe E. Ballou, .	Becket.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { W. Stockbridge, . . }	John G. Wilson, .	W. Stockb'dge.
6th,	{ Lee, . . . } { Monterey, . . . } { Otis, . . . } { Tyringham, . . . }	John P. Clark, .	Lee.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Wm. I. Van Deusen,	Gt. Barrington.
8th,	{ New Marlborough, } { Sandisfield, . . . } { Sheffield, . . . }	Albert W. Curtiss, .	Sheffield.

COUNTY OF NORFOLK.

1st,	Dedham,* § . . .	John Doggett Cobb,	Dedham.
2d,	West Roxbury,† . .	Joseph S. Ropes, .	Boston.
3d,	{ Roxbury,‡ Ward 2, } { " Ward 3, } { " Ward 4, } { " Ward 5, }	William S. King, . Henry W. Fuller, . Ebenezer Adams, .	Boston. Boston. Boston.
4th,	Roxbury, Ward 1, .	William Morse, .	Boston.
5th,	Dorchester,* . . .	{ Fred'k P. Moseley, . Gardner A. Churchill, .	Boston. Boston.
6th,	Quincy,	John D. Whicher, .	Quincy.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1873. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

‡ Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

§ Town of Norwood incorporated February 23, 1872, embracing portions of Dedham and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . .	James T. Stevens, .	Braintree.
8th,	Weymouth, . . {	Elon Sherman, . William S. Wallace,	Weymouth. Weymouth.
9th,	Randolph,* . .	Seth Mann, 2d, .	Randolph.
10th,	Stoughton, . .	Warren P. Bird, .	Stoughton.
11th,	{ Canton, Milton, † Walpole, ‡ Sharon, }	Elijah A. Morse, . Edward L. Pierce, .	Canton. Milton.
12th,	{ Foxborough, Wrentham, † Medway, ‡ }	David A. Partridge, . Joseph A. Kingsbury,	Medway. Foxborough.
13th,	{ Franklin, † Bellingham, }	Davis Thayer, Jr., .	Franklin.
14th,	{ Needham, Medfield, Dover, }	James Mackintosh, .	Needham.
15th,	Brookline, . .	Moses Williams, Jr.,	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Henry C. Read, .	Attleborough.
2d,	{ Mansfield, Norton, }	George R. Perry, .	Norton.
3d,	{ Easton, Raynham, }	Joseph W. White, .	Raynham.
4th,	Taunton, {	George C. Wilson, . Frederick Hathaway, William Watts, .	Taunton. Taunton. Taunton.

* Town of Holbrook incorporated February 29, 1872, embracing a portion of the town of Randolph. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham, Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . Rehoboth, . . . Dighton, . . . Berkley, . . . }	Herbert A. Dean, .	Berkley.
6th,	{ Somerset, . . . Swansey, . . . Freetown, . . . }	Washington Read, .	Freetown.
7th,	Fall River, . . . {	George O. Fairbanks, Weaver Osborn, . Albion K. Slade, .	Fall River. Fall River. Fall River.
8th,	Westport, . . .	Benjamin Gifford, .	Westport.
9th,	Dartmouth, . . .	George R. Reed, .	Dartmouth.
10th,	{ New Bedford, W'ds 1, 2 and 3, . . . }	Joseph Buckminster, Benj. S. Batchelor, .	New Bedford. New Bedford.
11th,	{ New Bedford, W'ds 4, 5 and 6, . . . }	Hosea M. Knowlton, Giles G. Barker, .	New Bedford. New Bedford.
12th,	{ Fairhaven, . . . Acushnet, . . . }	Benjamin White, .	Acushnet.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . Scituate, . . . }	George W. Merritt, .	Scituate.
2d,	{ Hingham, . . . Hull, . . . }	John D. Long, . . .	Hingham.
3d,	{ South Scituate, . . . Hanover, . . . Hanson, . . . }	Joseph T. Hartt, .	So. Scituate.
4th,	{ Marshfield, . . . Pembroke, . . . Halifax, . . . }	Curtis B. Goodsell, .	Marshfield.
5th,	{ Duxbury, . . . Kingston, . . . }	E. E. Waterman, .	Kingston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . Carver, . . . Plympton, . . . }	John Morissey, . Stephen C. Phinney,	Plymouth. Plymouth.
7th,	{ Wareham, . . . Marion, . . . }	Isaac N. Hathaway, .	Marion.
8th,	{ Mattapoisett, . . . Rochester, . . . Lakeville, . . . }	Weston Howland, .	Mattapoisett.
9th,	Middleborough, .	Isaac Winslow, .	Middleboro'.
10th,	{ Bridgewater, . . . W. Bridgewater, . . }	Ambrose Keith, .	Bridgewater.
11th,	{ E. Bridgewater,† . . . Brockton,* . . . }	Ziba C. Keith, . Isaac N. Nutter, .	Brockton. E. Bridgew'r.
12th,	Abington,† .	{ George W. Reed, . Jesse H. Jones, . }	So. Abington. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable,‡ . . . Sandwich, . . . Falmouth, . . . Yarmouth, . . . }	Isaac N. Keith, . Samuel Snow, . . Daniel Wing, . .	Sandwich. Barnstable. Yarmouth.
2d,	{ Dennis, . . . Harwich, . . . Brewster, . . . }	Luther Fisk, . . . Elisha Crocker, Jr., .	Dennis. Brewster.
3d,	{ Chatham, . . . Orleans, . . . }	Freeman Doane, .	Orleans.
4th,	{ Eastham, . . . Wellfleet, . . . Truro, . . . Provincetown, . . }	Isaiah A. Small, . Noah Swett, . .	Provincetown. Wellfleet.

* Name of North Bridgewater changed to Brockton, March 23, 1874.

† Town of Rockland incorporated March 9, 1874, embracing a portion of Abington. South Abington incorporated March 4, 1875, embracing portions of Abington and East Bridgewater.

‡ Town of Mashpee incorporated May 23, 1870, embracing the territory in Barnstable County known as the District of Marshpee. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Town.	Name of Representative.	Residence.
One,	$\left\{ \begin{array}{l} \text{Edgartown, . . .} \\ \text{Tisbury, . . .} \\ \text{Chilmark,* . . .} \\ \text{Gosnold, . . .} \end{array} \right\}$	Richard Holley, .	Edgartown.

COUNTY OF NANTUCKET.

One,	Nantucket, . . .	Joseph Mitchell, 2d,	Nantucket.
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GEORGE A. MARDEN, <i>Clerk.</i>	O. F. MITCHELL, <i>Serg't-at-Arms.</i> ROBT G. SEYMOUR, <i>Chaplain.</i>
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* Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the District of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

HORACE GRAY, of *Boston*.

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SETH AMES, of *Brookline*.

MARCUS MORTON, of *Andover*.

WILLIAM C. ENDICOTT, of *Salem*.

CHARLES DEVENS, JR., of *Worcester*.

OTIS P. LORD, of *Salem*.

SUPERIOR COURT.

CHIEF JUSTICE.

LINCOLN F. BRIGHAM, of *Salem*.

ASSOCIATE JUSTICES.

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EZRA WILKINSON, of *Dedham*.

JOHN P. PUTNAM, of *Boston*.

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SAMUEL T. SPAULDING, Northampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
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GEORGE WHITE, Needham,	NORFOLK.
WILLIAM H. WOOD, Middleborough,	PLYMOUTH.
EDMUND H. BENNETT, Taunton,	BRISTOL.
JOSEPH M. DAY, Barnstable,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

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CHARLES THACHER, 2d, Yarmouth,	BARNSTABLE.
HEBRON VINCENT, Edgartown,	DUKES.
SAMUEL SWAIN, Nantucket,	NANTUCKET.

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GEORGE STEVENS, Lowell,	NORTHERN.
EDGAR J. SHERMAN, Lawrence,	EASTERN.
ASA FRENCH, Braintree,	SOUTH-EASTERN.
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ADDISON M. BRADLEY, Springfield,	HAMPDEN.
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FRANCIS C. SMITH, Edgartown,	DUKES.
JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

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for the Commonwealth.

JOHN NOBLE, Boston, Supreme Judicial Court, . .	SUFFOLK.
J. A. WILLARD, Boston, Superior Ct., Civil T., . .	} SUFFOLK.
JOHN P. MANNING, Boston, Criminal T., . .	
ALFRED A. ABBOTT, Peabody,	ESSEX.
THEODORE C. HURD, Framingham,	MIDDLESEX.
JOSEPH MASON, Worcester,	WORCESTER.
WILLIAM P. STRICKLAND, Northampton,	HAMPSHIRE.
ROBERT O. MORRIS, Springfield,	HAMPDEN.
EDWARD E. LYMAN, Greenfield,	FRANKLIN.
HENRY W. TAFT, Pittsfield,	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham,	NORFOLK.
SIMEON BORDEN, Fall River,	BRISTOL.
WILLIAM H. WHITMAN, Plymouth,	PLYMOUTH.
JAMES B. CROCKER, Yarmouth,	BARNSTABLE.
SAMUEL KENISTON, Jr., Edgartown,	DUKES.
GEORGE W. JENKS, Nantucket,	NANTUCKET.

MEMBERS OF THE FORTY-FOURTH CONGRESS.

[Congressional districts established by Chap. 300, Acts of 1872.]

SENATORS.

GEORGE S. BOUTWELL, . . . *of Groton.*
 HENRY L. DAWES, . . . *of Pittsfield.*

REPRESENTATIVES.

DISTRICT I.—WILLIAM W. CRAPO,* . . *of New Bedford.*
 II.—BENJAMIN W. HARRIS, . . *of East Bridgewater.*
 III.—HENRY L. PIERCE, . . *of Boston.*
 IV.—RUFUS S. FROST, . . *of Chelsea.*
 V.—NATHANIEL P. BANKS, . . *of Waltham.*
 VI.—CHARLES P. THOMPSON, . . *of Gloucester.*
 VII.—JOHN K. TARBOX, . . *of Lawrence.*
 VIII.—WILLIAM WIRT WARREN, . *of Boston.*
 IX.—GEORGE F. HOAR, . . *of Worcester.*
 X.—JULIUS H. SEELYE, . . *of Amherst.*
 XI.—CHESTER W. CHAPIN, . . *of Springfield.*

* Elected November 2, 1875, in place of James Buffinton, of Fall River, deceased.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
June 3, 1876. }

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

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I N D E X .

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